CARCERAL RELATIONS

by

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ABSTRACT

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This thesis analyzes modern penal practices and their effects on prisoners to argue that the harm that prison necessarily produces is both ontological and political, and that the relation between these two existential dimensions is revealed most distinctly by penal practices themselves. Chapter 1, which is developed mostly from the work of Lisa Guenther's *Solitary Confinement: Social Death and its Afterlives,* will argue that prison-living is a type of existential harm which denies a person a meaningful life; where 'meaningful' is understood to depend on one's capacity to play a role in defining the parameters of their existence. Chapter 2 will utilize the work of Michel Foucault in *Discipline and Punish: The Birth of the Prison* to retrace the genealogy of punishment, and to explain the dynamics of a disciplinary system and how its functioning deprives a subject of the existential necessities established in Chapter 1. Developed from Hannah Arendt's *The Human Condition*, Chapter 3 will argue that prison and carceral practices represent a failure to maintain an open horizon of freedom, even for the non-incarcerated.

This conclusion will be based on Arendt's notion of "the public", which requires an open-ended plurality absent in the disciplinary carceral systems described in Chapter 2. Concluding this thesis will be the argument that 'the political' and 'the ontological' coconstitute 'the existential', and by severing the ontological from the political (understood in a distinct Arendtian sense), the carceral system amputates the possibility of meaningful existence. Only by reintroducing plurality can the carceral system allow for this possibility and ultimately for justice.

INTRODUCTION

What is the purpose of prison? Almost everyone has some idea of what prison is, what it does to a person, what experiences it provides. However accurate or inaccurate these descriptions may be, equally varied are the justifications for the enterprise: retribution, detainment, deterrence, rehabilitation, and so on. While in general, most people seem to have some idea of either of these, what prison is, and *why* it is, it seems that if the two concepts were analyzed together and in their full light, the modern phenomenon of prison would become much more alarming to the general public. The truth that this thesis will attempt to expound, is that the general idea of *what* prison experience is like masks and obscures the reality of the existential harm that is done, and while aims intrinsic to the functioning of the system exist, justifications held by the public such as security, moral cleansing or social reparation rarely obtain from the workings of the carceral system. This thesis will attempt to explain three major points: *what* prison experience does to a prisoner, *how* modern penality came about, and *why* it cannot coexist with actual freedom. Additionally, this thesis will argue that a systematic severance of the ontological from the political (understood in a distinct Arendtian sense) simultaneously grounds and obscures the carceral system's mass infliction of existential harm.

The ontological, in a strictly Heideggerian sense, concerns the question of Being. As will be shown in this thesis, the question of the meaning of Being is of central relevance to the lives of the incarcerated. The thesis employs a particular approach to the ontological informed by Johanna Oksala's work in *Foucault, Politics, and Violence*. Following from Foucault's work, and to some extent breaking with Heidegger, Oksala argues that the ontological should be understood "to comprise a diverse set of competing background beliefs about reality that are always politically and socio-historically bound."[1] In this regard, what we take to be nature, the world and/or reality are the product of human conception and practice. This is not to say that the authenticity of reality is in question for Oksala nor this thesis, only that the boundaries of existence, nature and entities (as determined by the distinctions between sexes or races, and the categories of delinquency and criminality) can only be borne of concepts and practices that are always political. As for the use of "political" in Oksala's work and this thesis, Oksala references the work of Chantal Mouffe who provides an analogy which illustrates succinctly the relation between the political and ontology while "borrowing the vocabulary of Heidegger: 'politics' refers to the ontic level and deals with the manifold practices of conventional politics, while 'the political' has to do with the ontological level and concerns the very way in which society is instituted."[2] This thesis takes as a starting point Oksala's determination that the ontological is always the result of a process that is political in Mouffe's sense, or in Oksala's words: "ontology is politics that has forgotten

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[1] Johanna Oksala, *Foucault, Politics, and Violence,* (Northwestern University Press, 2012), 5.
[2] Ibid. 15, (**referencing** Chantal Mouffe, *The Democratic Paradox,* (London, Verso, 2000)

itself."[3] This is true of any ontology, in so far as beliefs about reality become naturalized and taken-for-granted. However, this thesis will argue that the carceral domain goes further by *severing* the political from the ontological. Prison is a distinct domain where the possibility of reexamining or participating in the constitution of the ontological is systematically amputated from its subjects.

To show this, I will illustrate how the pain of prolonged confinement affects the existences of those who suffer it and argue that the damage prison causes reveals the link between self and world, and between one's stake in the ontological and in the political. I will be drawing from the work of Lisa Guenther (herself drawing from Merleau-Ponty, Levinas and Fanon), which frames persons as *nexuses of relations*, and is in direct contrast to liberal individualist models which identify persons as "sovereign subjects" or atomistic egos. I will build on this framework by examining key ideas from Foucault and Arendt, regarding carceral institutions' role in normalization, regularity, rendering visible, and the proximity and/or alienation of carceral persons to the public and therefore the political. Reading Arendt through the lens of both Foucault and Guenther will also allow me to appraise the current system of relations that are permitted between carceral and non-carceral persons, to determine if it adequately resembles the robust and interwoven web of human relations that Arendt envisioned as the key to the public, political sphere. This thesis will feature three main sections, one on each of the primary writers I will be drawing from: Guenther, Foucault, and Arendt.

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[3] Ibid. 35.

The Nexus of Relations Framework

In the first chapter, I will employ Guenther's theoretical framework of critical phenomenology to lay the groundwork for the rest of the thesis. In her work, Guenther not only charges modern penal institutions, primarily in their practice of solitary confinement, with egregious deterioration (unhinging) of incarcerated persons' bodies and minds, but more importantly, she concludes from these persons' very own phenomenological testimony and the plethora of dimensions (physical, mental, ontological) across which they are mutilated, that the *self*, the phenomenological locus, is best represented by what I am referring to in this paper as the nexus of relations framework. To establish how their deterioration demonstrates this, Guenther explores the kinds of trauma incarcerated persons endure which is in tension with traditional narratives of a staunch and resilient sovereign soul capable of morally rebuilding itself if stripped of outside experience and distraction. Detailing a widespread failure of the projects initiated in the 18th and 19th centuries by Benjamin Rush and other prison reformers, Guenther concludes that the true nature of the trauma inflicted is better diagnosed under the lens of selves as nexuses of relations, since nearly every dimension of pain Guenther records from first person accounts reveals a loss of *meaningful interaction with one's world.* The incarcerated person is "blocked from a meaningful sense of belonging to a community that is greater than oneself."[4] The conclusion from their testimony is that the self, understood as an independent kernel of agency, historically thought to provide the means by which one would endure and repent under a

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[4] Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives*, (Minneapolis, University of Minnesota Press, 2013), *xxiii.*

carceral stay, *does not exist*.[5] The true form of the self is better modeled instead as *the relational convergence of one's meaningful interactions*. Further, there is a tension which exacerbates the unhinging that comes from prolonged incarceration: the historical and institutional insistence upon the self as an isolated ego, which supports regulatory and norm-bearing political mechanisms (as will be relevant in Chapter 2 as well), masks the true horror of the alienation that is modern incarceration.

This chapter is where I will define the majority of terms I will be employing throughout the thesis. I will describe the practice of incarceration as an *amputation of possibility*, possibility here denoting the breadth, intensity and agency by which one can forge meaningful relations with their world. I will also develop a concept of necessarily *enmeshed agency*, in which one's possibility is directly linked with that of others. On this account, the opening and closing of doors and pathways of freedom and meaning-forming in the world is a perpetually changing and unfolding phenomenon which is necessarily constituted by a plurality of people intersecting and interacting with one another. To support this, I will draw on de Beauvoir's accounts of possibility, oppression and childhood, arguing that incarceration is an oppressive inversion of the relationships proper to child-rearing. De Beauvoir argues in particular that children possess a still-developing sense of agency, thus, a necessary disparity or asymmetry between a child's freedom and that of their elders is entailed. Inherent in this picture however, is also the expectation of the child *attaining* an equal stake in an open horizon of freedom consisting of the possibility to participate in defining the parameters of existence. Carceral existence

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[5] This model of the self is found in different forms in the Cartesian, Kantian and liberal traditions.

not only amputates this possibility, but inverts the temporality of this dynamic, closing off the horizon of agency.

I will draw a distinction between possibility and sheer or absolute freedom, arguing that the nexus of relations framework does not rely on a notion of freedom as a purely quantitative good (i.e., more freedom = more flourishing). Possibility, rather, is qualitative and above all existential, and the horizon of possibility one enjoys at any given time does not derive its value from its vastness or complexity, but from its relation to one's own continued meaning-forming communications and interactions with their world. To value meaningful relation with one's world is not to value a sheer quantity of *possibilities* unconstrained by relations to others (read: unconditioned freedom) and to loathe *impossibilities* (read: limits), but to value one's continued discovery of possibility, understood as an interplay between open paths and closed ones (note that to operate under a nexus of relations framework is not to deny that a *singular you* exists, only that it is ultimately independent of others). A more practical reason for not denying the existence of morally neutral or even morally desirable path-closings, is the fact that (and this cannot be stressed enough) there are exclusionary relations worth upholding. This thesis, while arguing for a keener eye toward the suffering and ontological decay of the incarcerated, will not deny that the relational categories of 'victim' and 'victimizer' do not exist for the sole purpose of the possibility-amputation of the marginalized. Rather, what should be made clear by this thesis is that penal institutions operate in an ambiguous and morally complex nexus of intersubjective relations. Even so, is the exclusionary relation, that separates the incarcerated from a non-incarcerated public, always the best

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model for how victims and responsible parties should move forward? Does it provide the possibility of justice and understanding? Or does the carceral system amputate possibilities for non-incarcerated victims as well as for those incarcerated (who may also, of course, be victims of injustice themselves)?

The Carceral as Paradigmatic Discipline

In the second chapter, this thesis will argue that exclusionary narratives and tactics establish norms about victim/perpetrator relations that amputate possibilities for justice. This section will provide an account of how penal mechanisms shift the operations of power, as argued in Foucault's *Discipline and Punish*, which will be approached through the lens of the nexus of relations framework and the diagnosis of possibility-amputation derived from Guenther's work. This chapter aims to bridge a more ontological account of incarceration with a more political one, creating a transition to a more overt engagement with the political in Chapter 3. The chapter provides an account of the shift from sovereign power to disciplinary power, and will use Foucault to locate the origins of "moral" segregation between the 'delinquent' and the lay person, the non-incarcerated. Specifically, I will argue that in addition to the ends described by Foucault (those of soul-archiving, regularizing expectations and creating normalized subjects), the tactic of criminal/non-criminal segregation is a means of creating a *docile populace*, not only within the prison walls but also outside them: a non-incarcerated populace bereft of pathways for meaningful communication and interaction with those under the moral (read: legal) scrutiny of penal institutions. This chapter will go into detail about some of the ways in which penal institutions erect these exclusions and divides. Drawing on

Foucault, this will include both the production of normalizing categories, as well as actual physical barriers, such as the hiding away of prison populations both geo-spatially and communicatively (via the prevalence of bureaucratic leviathans). It will be necessary to carefully extrapolate the nuances of this orchestration of visibility: I will demonstrate how the incarcerated and nonincarcerated are stripped of visibility in relation to each other, how the visibility of the individual is increased to all-encompassing levels through panoptical techniques, and how the visibility of the incarcerated is possessed and controlled only by the institution. The institutions which dominate visibility exist in a designed obscurity, efficiently operating an *economy of visibility*. Though not overtly addressed in *Discipline and Punish,* this thesis will also track the normalization of the overlap between race and criminality, particularly the dimensions of Blackness and delinquency in western carceral systems, and how modern racial categorizations are a continuance of disciplinary coding stemming from slavery which commodifies and "sub-humanizes" Black bodies. Addressing this gap is crucial for translating Foucault's analysis to the contemporary U.S. context.

One particular area of Foucault's account of disciplinary power which will tie back to Guenther is the founding of psychological categories for the self and personalities, and the diagnosis of limits and motives of human behavior via the natural and human sciences. As will be discussed, the fiction of the sovereign soul found further defense in the advancement of behaviorist narratives. Another point of connection with Guenther which will be explored is *which* possibilities are amputated by the lawbreaker/law-abider dichotomy. Foucault is right to insist that penal institutions

produce a re-arranging of illegalities rather than an elimination of them, but under the

lens that Guenther will help me establish, we can regard this rearrangement as a

domination of an *economy of possibility*. If we view possibility as a network of doors

opening and closing for people, the possibility-amputation that can be seen as a result of

the carceral system under Foucault's diagnosis, is also the amputation of the possibility

for *justice*: whether as a result of ignorance, complacency, or deliberate design, those

outside of carceral categorization, most often dominant classes, enjoy possibilities

divorced from the moral and punitive eyes and hands of the carceral system and withheld

from the incarcerated populations at their mercy. This section will include an exploration

of what an image of reasonable equity of possibility might look like, and how the

economy of possibilities could be appropriately distributed.

Arendt and the Public

The concluding chapter will draw from Arendt's *The Human Condition*,

beginning with an account of the key categories of labor, work and action. Drawing on

The Human Condition will allow me to identify parallels between the exclusion of the

prison population and Arendt's theory of the missing public (usurped by the social), and

between Guenther's discussion of "the inexhaustible" and Arendt's discussion of the

efforts to cure the anxiety of the unknown that comes with 'action' by creating a political

body that more closely resembles 'work' and the danger this brings. The chapter will also

explore the more speculative idea of a post-carceral society implementing Arendt's idea

of 'forgiveness'.[6] Arendt's own description of a "web of human relationships" resonates

with the conceptual model of a nexus of relations drawn from Guenther, even if Arendt is

more concerned with identifying the proper space of the political rather than with an

individual's ontology. A key focus of the engagement with Arendt will be the frailties of

action, and how these are typically (and futilely) "remedied" by some of the practices

Foucault and Guenther locate in penal institutions, as well as the potential for a closer

relation between victim and perpetrator, which I will outline using Arendt's notion of

forgiveness as a safeguard against the irreversibility of action. This chapter will

consolidate my charge against the modern carceral paradigm: the ultimate goal of which

is to remove *risk* at the cost of denying prisoners a minimally fair existence of mutual

disclosure and meaning-forming. Risk here could be defined as a 'dangerous unknown',

but under Foucault's lens, 'the unknown' itself, at least to institutions, already represents

significant danger, since power correlates with knowledge and thus ignorance with

danger. Climbing from Arendt back up to Guenther, this frailty of action is most feared in

the allowance of a particular unknown, a particular *possibility*: a space for

communication and disclosive interaction between wrongdoer and wronged. Such an

open space for mutual disclosure between people who constitute a plurality of unique

existents and their participation in forming the meaningful boundaries of that existence is

a requirement for the unfolding of an open-horizon of actual freedom.

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[6] Foucault also mentions the replacement of public punishment with a hidden, more regulated penal system as a means of "forging stable connections that defy time", similar to attempts Arendt describes such as those of Roman Legislatures, attempting to codify politics to "remedy" its unpredictability and boundlessness, a remedy which, according to Arendt, can "destroy the very substance of human relationships". Michel Foucault, *Discipline And Punish : the Birth of the Prison*. New York :Pantheon Books, 1977.Hannah Arendt, *The Human Condition,* Chicago: The University of Chicago Press, 1958

The issues raised by Guenther and Foucault lead back to the same problem Arendt raised, that tyranny is born from the deterioration of plurality. While Guenther's approach to the self as a nexus of relations elucidates the existential harm of incarceration, Arendt's distinct concept of plurality is needed to grasp how this harm bears on the horizon of human freedom as a whole. Plurality, possibility, the inexhaustible, action and risk, are all entangled in the interplay of persons with their world and each other necessary for an open and free existence. This thesis will argue that the exile of incarceration is at odds with the plurality necessary for a paradigm of political and existential possibility, as well as for justice?

CHAPTER ONE

Although the primary justification for imprisonment is a topic still hotly debated today, certainly the intensity and ubiquity of physical, mental and emotional deterioration documented by the incarcerated could not have been an aim of the founders of the modern penal paradigm. Following Foucault, Guenther locates in Benjamin Rush and the 18th and 19th century prison reformers a common narrative, one that sees prison as a sort of incubator for the moral soul. The shift from public punishment to isolated imprisonment advocated by the reformers had both a political and a medico-moral aim which were necessarily intertwined. The political dimension involved removing the punished subject from the eye of the public so as to prevent the criminal becoming aggrandized. For Rush, public punishment evoked from witnesses "a feeling of 'abortive sympathy' or even admiration for criminals, destroying in both 'the sense of shame, which is one of the strongest outposts of virtue'."[7] The significance of shame connects this political aim with its medico-moral aim. Rush conceived of criminal ideation as a sort of disease or infection of the soul. In his analogy, shame and moral reflection represent the soul's inherent defenses against this sickness. Rush staunchly believed in the truth of this analogy between anatomical and spiritual health, which reinforced his

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[7] Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives,* (Minneapolis, University of Minnesota Press, 2003), 5, quoted in Benjamin Rush, *Essays, Literary, Moral & Philosophical* (Philadelphia, Thomas and William Bradford, 1806)

belief in imprisonment as a kind of purging or moral rehabilitation. According to Guenther, Rush's "model institution for curing diseases of any kind was the asylum; it offered a place where the disordered body could be removed from an over-stimulating environment and given a chance to 'reset' itself".[8] Rush and his contemporaries were merely the vanguard to a history of penal institutions justifying themselves through appeals to natural and human behavioral sciences, with the aim of converting their subjects into "republican machines".[9]

But if we look at the kind of person who leaves or lives within prison today, it seems this mark was by and large missed completely. Prison does not have the reputation of producing docile subjects, nor is it known for its ability to cleanse and "reset" the conscience and spirit of those who live within its walls. As the above-cited passages suggest, it tends to have the opposite effect: "prisoners emerged from this machine with eyes like blanks, a deranged nervous system, and a diminished capacity for coherent thought or conversation".[10] Although Guenther focuses on solitary confinement, a particularly severe form of penal isolation, even the most common forms of imprisoned living represent an exile which erodes the faculties and the spirit. What did the reformers get wrong about this plan? The answer is not poor execution, even if mass incarceration does represent a paradigm the reformers could not have foreseen. Rather, this thesis will follow Guenther in arguing that their error is primarily an *ontological* one. The crux of their failure is in their conception that the soul, or the self, has all the power and means to

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[8] Ibid, 8.
[9] Ibid, 6, quoting Rush, (1806) 4.
[10] Ibid, 15.

exist healthily, independently of the world and others. More definitively, their assumption is that the self, ultimately, *is independent of the world and others.* This is not a novel concept. The idea of the ego as sovereign, independent and atomistic has been defining of western modernity and pervasive across its literature, humanities and sciences. The reformers perhaps cannot be blamed for carrying that same logic into their designs, but at the very least, today, the actuality of the consequences of prison-living upon a person are quite clear and, as Guenther argues in *Solitary Confinement*, reveal how terribly misguided the idea of the sovereign self is. Even if one adheres to the analogy of anatomical and moral/spiritual health, it is clear that the soul's defenses against deterioration and madness do not exist independently of others and the world. Neither does the self, at all, for that matter. In Guenther's research exploring the phenomenology of incarcerated persons, she asks: if the traditional (Cartesian or liberal) model of the self as an independent, self-sufficient kernel is mistaken, what other model is there? How can the horizon of selfhood be more adequately portrayed?

The Relational Self

In *Solitary Confinement,* Guenther develops a model of the self which can account for the effects of prolonged confinement. This model is based on the phenomenological work of Edmund Husserl and describes the self, experience, and consciousness, as necessarily *relational*. Consciousness is not a thing or object, it cannot be located, rather "it is a relation of intentional acts *(noesis)* to intentional objects *(noemata),* the widest context for which is the world."[11] For Husserl, a person and their

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[11] Ibid, 24.

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interactions with the world are "coconstitutive of that world's objective reality."[12]

Though Guenther does not deny there is an element of singularity involved in the *I, the me* that is the locus of interrelated experience, she does not describe this in terms of consciousness. Where she deviates from Husserl's phenomenology, where her work becomes a *critical phenomenology* that is more informed by Merleau-Ponty, is through her argument that consciousness is both necessarily *intersubjective* and necessarily *embodied.*[13] That singularity referenced above, for Guenther, is indeed the body: "Wherever I go, whatever I do, I am always oriented toward the world from the starting point of my body; I am always here at the point where the world unfolds for me, in a singular unshareable way."[14]

What does it mean for consciousness to be *embodied*? It seems plausible enough that consciousness arises from or depends on the body, but Guenther's argument goes deeper than that. Developed from the works of post-phenomenologists such as Merleau-Ponty, Levinas, and Fanon, Guenther employs this concept of an *embodied consciousness* to argue that a person has no central point-of-view for experiencing the world that is not coconstituted by their necessarily corporeal relations within their world, and that acknowledging the ontological correlation between one's world, their bodily and modal context, as well as their historico-social situatedness, better accounts for the fragility and deterioration that prolonged confinement inflicts upon a person than a model of self-contained or disembodied consciousness.[15] To say that consciousness is embodied, or

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[12] Ibid.
[13] Ibid, xiii-xv.
[14] Ibid, 31.
[15] Ibid, xii-xviii.

"intercorporeal" in Merleau-Ponty's terms, is not to agree with Rush's view that the moral self is analogous to a bodily system. It is instead an ontological description of one's relation to the world in which consciousness is seen as bodily and as constituted inter-corporeally, rather than body and soul being seen as separate entities such that one can serve as an analogue for the other. Most importantly, Guenther emphasizes that the body is the *hinge* between the self and others.[16] Just as my own singular consciousness perceives others, and thus projects perspective to and from them, my own *world* is necessarily constituted by the assumption that other perspectives also perceive a shared world. The crux of Guenther's critical phenomenology, and the importance of intercorporeality in her work, is in the inversion of the traditional phenomenological sequence in which one first projects consciousness onto other egos and *then* has their world constituted by mutual, returned consciousness. Guenther instead argues that the coconstitution of the world *precedes* and continues to coconstitute the apparently solitary transcendental ego. This thesis similarly identifies the self not as a kernel or point which is the condition for relating to the world and others, but as an enmeshed consciousness which is continually formed by its interactions with the world and with others (understood as other embodied consciousnesses): a *nexus of relations*. With the self conceived of as a nexus of relations, the full extent of the damage of prolonged confinement becomes intelligible. Their world, and thus the means by which their sense of self and reality is developed and maintained, is grossly reduced. As Guenther states, "the intersubjective basis for their concrete personhood… is structurally undermined by

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[16] Ibid, xii-xiii.

the prolonged deprivation of a concrete, everyday experience of other people."[17] If the conscious self is like the body in any way, it is that it must be upkept and maintained lest it deteriorate; its nourishment being meaningful interaction with the world and others. Rush's analogizing failed to consider that "human beings need something more than just the fulfillment of basic physical needs in order to flourish, or even to sustain their own physical, emotional, and mental health."[18]

Prison's Deprivations

The incarcerated face many forms of deprivation, which certainly include a disconnection from friends and family, loss of or limited access to their favorite things, hobbies and places, and assuredly a lack of immediate freedom of movement and choice. But deeper deprivations occur within the prisoner due not to what prison lacks, but what it exudes. For prison is not simply an institution of deprivation. A prison sentence is not only the *absence* of a life; it is the very real presence, a substitution, of a *particular kind of life.* Any sort of disconnect from one's cultural, social, intellectual or ethical continuity that a prison sentence initiates, is only further widened by the carceral experiences and norms that will work to gradually replace or ambiguate those former connections. If the self is also constituted by an active interjection and relations with others in a shared world, as Guenther suggests it is, then, under such conditions, the manifold of one's conscious experience, their psyche and identity, their *self,* is similarly at risk of becoming irreversibly disconnected from the world, from others, or even itself.

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[17] Ibid, 35.
[18] Ibid, 149.

In this section, for the sake of developing a stronger sense for the interconnectivity between self and world needed for a meaningful life, I will detail three types of deprivation generally experienced by those in prison: quantitative, qualitative, and existential. Quantitative deprivation represents the loss of basic and broad choices, such as the places one can go, the people one can meet, the books one can read, choices of food and leisure items and activities. Quantitative deprivation boils down to a wide-scale loss of access to people, things and places, due in part to the sheer fact of secure and enclosed living, but also to due to both reasonable security measures (lack of access to hard drugs or weapons) and excessive ones (lack of access to materials which foster a prisoner's desire for freedom).[19] Although the ordering of the three types of deprivation implies a certain hierarchy of importance, quantitative freedoms and the deprivation of such should not be considered frivolous, especially when we consider that people and the world, and not just one's favorite objects, are part of this category. Again, however, mere objects and things *are also a way* of interfacing with the world; they are part of it. It is not only that one's character is significantly influenced by what hobbies, books, or even foods are at their disposal, but most importantly the quantitative provision of choices, in their variety and meaning to a person, lends itself to qualitative enrichment, and as Guenther argues, even one's freedom: "a meaningful expression of freedom is grounded in one's access to art supplies, exercise equipment, and radio or television programs."[20]

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[19] John Schwartz, "Dungeons and Dragons Prison Ban Upheld", *The New York Times,* January 26, 2010.
[20] Perry Zurn & Andrew Dilts, eds., *Active Intolerance: Michel Foucault, The Prisons Information Group, and the Future of Abolition* (New York, NY: Palgrave Macmillan, 2016) 234.

Qualitative deprivation is the deprivation of experiences necessary to maintain a coherent grasp of space, time, self, others, and world.[21] In particular, this often involves the deprivation of phenomena or common experiences we take for granted; elements of our sight, sound and feel, or social norms which become alien, inverted and/or subverted in a carceral existence, diminishing and distorting the quality of lived experience. On the notion of sight, the sheer diversity of things we typically see may seem to indicate that sensory deprivation belongs in the category of quantitative deprivations. While there is some truth in this, the aspect of deprivation unique to the qualitative category is in the *sight behind sight*; not a deprivation of what we see on an iterative level (such as the deprivation in the previous category), but a loss, corruption or collapse of the *function of sight itself.* This is what is meant by qualitative deprivation consisting of aspects we usually take for granted. While *sights* can be considered things or iterations, what lies behind our ability to perceive them is a certain continuity, an ability to not just receive light but to distinguish it, in its colors, its intensity, warmth and so on.

How and why exactly does this kind of deprivation unfold? It is not so much that prisoners are literally going blind, deaf, or numb to their surroundings, but that the monotony, isolation, and often literal darkness of prison living grind away at one's ability to distinguish their given reality. In particular the meaningful distinctions easily taken for granted in a "hinged" mind such as those between oneself and others, the past and present, as well as the contours of objects and colors begin to fall apart. To expand on the

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[21] It should be obvious that the conceptual borders between each type of deprivation are quite porous, as people, places and things categorized within the quantitative pool of course contribute to a stable connection to a world which manifests in a life of meaningful spatial, temporal and social structure.

notion of sensory deprivation and distortion, Guenther draws from Merleau-Ponty's

Phenomenology of Perception, to describe the deprivation of light and space experienced

in solitary confinement as "something like schizophrenia", a trauma "which "threatens to

exhaust the otherwise inexhaustible horizons of perceptual experience by blocking

prisoners' concrete experience of depth in its spatial, affective and social dimensions."[22]

Most important from this passage is the fact that a prisoner's perception of visual space is

necessarily enmeshed in their participation in an emotional and social world. The

unhinging of a prisoner's sight need not originate from any overt light deprivation, as

potentially experienced in solitary confinement; what is necessary to grasp is that

continual exposure to the same places, structures, people and things *is itself a form of*

sensory deprivation. At a philosophy seminar in 1993, John Woodland Jr., an inmate at

the Maryland Penitentiary, expressed his reaction to the cramped and homogenous living

situation:

"One thing I noticed when I first came to the penitentiary is that the penitentiary design is

similar to the high-rise projects in West Baltimore or East Baltimore or wherever. In prison it's

the tiers; in the projects it's the floors. . . .

Because wherever you go, east or west, you see African Americans and low-income

people packed in on top of one another, with no real space. When you walk down the streets of

most inner cities, you feel indifference to everything: "This isn't really part of me. I'm just

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[22] Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives,* 174.

existing here. This is not something I should care about or protect or build up. This is something I gotta deal with until I get out." I guess that's the same way we look at prison."[23]

From Woodland's description, we can grasp how visual phenomena, whether extreme or extremely *boring,* can play a role in one's ability to connect with their world, and this is true whether one is living within prison or not, it is simply more often the case that a repetitious and non-distinct visual field is experienced on an institutionally regular basis within prison. These monotonous interactions, whether they take place in general population or a segregated housing unit, can be likened to a *ganzfeld*, "a homogenous, unpatterned field of color that produces in the viewer an effect of sensory deprivation", as described by Guenther.[24] She observes this blanket of perception "exhausts the visual experience of space by emptying it of the distinctions that help pattern our experience in open-ended but consistent ways."[25] Guenther's use of "open-ended" here denotes the intersection of qualitative and existential necessities for a meaningful life, since just as spatial perception maintains "by unfolding access to more or less stable and determinate places" providing a continual living depth of context between oneself and world, our qualitative well-being also requires an active *temporal sense*.[26]

Just as one's stable grasp on space is threatened by the ganzfeld of prison-living, one's sense of time may be at even more risk. Prison-living consists of a rigid and

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[23] Ibid, 182. (**quoted in** Charles Baxter, "Live from the Panopticon: Architecture and Power Revisited.", *The New Abolitionists: (Neo) Slave Narratives and Contemporary Prison Writings* (Albany, NY: SUNY Press, 2005), 205-16.
[24] Ibid, 176.
[25] Ibid.
[26] Ibid, 186.

continuous schedule. As will be expanded upon in Chapter 2 of this thesis, the possibility

of something different, surprising, spontaneous or unexpected happening in prison, runs

counter to its systematic logic as well as its creed: that part of what the prisoner is being

deprived of *is* the very possibility of novel horizons. Thus, the prisoner's sense of

meaningful time is liable to collapse in a way analogous to their grasp on space. As

Guenther describes it, "segmentation of time tends to undermine prisoners' sense of

meaningful temporal distinctions; the constant repetition of the same makes each day

blend into the next, such that time seems both to grind to a halt and to slip away without

incident or event."[27] Prison-living, at its core, is *waiting*. On a surface level, this may

seem a tepid suffering, even merciful, as Guenther entertains, "boredom may seem like a

small price to pay for violent crimes like murder and rape. But the extreme boredom

produced and reinforced by social and sensory deprivation can amount to a living death

sentence that compounds the violence of crime rather than demanding something more or

something different from the offender."[28] Guenther's analysis of this "living death

sentence" ultimately charges prison-living as an impotent form of justice, in that the

confrontation between a prisoner and their crime that takes place during their prison-stay

is not one of reflection and reconciliation. Unlike what the reformers envisioned, with the

expanse of indistinguishable time created by the systematic withholding of novel

experiences, communication and connection with others, "the capacity to reflect becomes

a source of pathology and suffering rather than moral and spiritual transformation".[29]

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[27] Ibid, 195.
[28] Ibid, 197.
[29] Ibid, 199.

This conclusion further signals the intersections of qualitative necessities, such as the requirement of a living, breathing sense of spatio-temporality, with those of the final category, which this chapter calls *existential deprivation*.

Existential Deprivation

Quantitative and qualitative deprivation are almost immediately intelligible concepts; the former is the deprivation of an amount of experiences, the latter is a deprivation of the quality of experience. The final and critical deprivation prison inflicts, that of existential deprivation, requires a more robust explanation. Existential deprivation is indeed the deprivation of the possibility to exist, but what does "exist" mean here? This meaning of "exist" draws from Guenther in describing the life severed from its potential for meaningful interaction with others, as ultimately *not a life*, but instead as a form of living death. This is not to say that prison-living does not involve its own others, places, events, even things the prisoner can attach value or potential to. But remember that prison-living is not a sheer deprivation in itself, but is the infliction of a particular kind of life. Thus, *its* others, *its* places, *its* events, usurp whatever horizons of possibility structured a prisoner's life before their conviction, and amputates the possibility of new horizons forming. The previous two categories of deprivation, representing the sheer materiality of prison-life, only work to further reconcile the prisoner to the new sub-political existence they will assume. Guenther finds the "temporal structure of waiting has a political effect: it reinforces inmates' dependence on prison authorities to receive even the most basic rights and privileges."[30] While the deprivation of meaningfully

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[30] Ibid, 196.

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distinguishable time is, under my categorization, a form of qualitative deprivation, we can see by Guenther's analysis that it also conditions a prisoner to accept a limited ability to constitute their world with others. Not only is this ability limited physically and literally, but because of the rapid unhinging of a prisoner's grasp on meaningful contours of their reality, such as their perception of space and time, the potential for their own personal seeking of political thriving via a strong connection with the world and others, their ability to dream, hope and envision, is also amputated. Put simply, the rigor of prison enacts a disintegration of a prisoner's priorities. Whereas the reformers imagined all prisoners had the capacity and resolve to withstand a life of only basic survival necessities such as food and water, what we see instead is that the current rigor of prison-living *produces the prisoner* as this very caricature of rationality. As Guenther argues, "Nonincarcerated subjects are free to invest in the fictions of objectivity, autonomy, self-sufficiency, and individuality, all the while relying on their embodied experience of affective and intercorporeal depth to sustain a meaningful sense of Being-in-the-world. Only incarcerated subjects are forced to actually exist in such fictions, or to be broken by them."[31] The key aspect of this new existence a prisoner must live, is that they *must*; their existence, as Guenther put it, is forced upon them.

Thus, existential deprivation is the depriving of one's freedom to *partake in defining the parameters of their relational existence.* What ultimately distinguishes existential deprivation from quantitative and qualitative deprivation, is that no amount of mitigation of the latter two (i.e. supplying subjects with more choices, more range of

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[31] Ibid, 187.

motion or greater time management) can make up for existential deprivation. Hypothetically, even if a prison were to grant its residents access to a plethora of food options, physical activities, electronics, publications, sporting goods, even a liberal visitation policy, still, the flow of possibility, the active opening and closing of doors for potential meaningful interaction with the world, would be largely one-way given that the choices themselves would not be fashioned by the subjects themselves. The ability, the *agency*, to open and close those doors *for oneself, with and for others, in a mutual feedback*, that is, to participate in determining the parameters of one's existence, is that vital something that goes beyond food, water and shelter: it is being-in-the-world itself. This paper's reasoning for applying, to general prison populations, the ontological concepts developed by Guenther is on the basis of there being little difference in the *existential deprivation* between solitary and general population, even if there are obvious differences in *quantitative and qualitative deprivations*.

The terms can be summarized thus: quantitative deprivation is the deprivation of an amount of choices, qualitative deprivation is the deprivation of modal, sensory and spatial-temporal hingedness, and existential deprivation is the deprivation of one's *agency*, which will be defined here as that very capacity to partake in defining the parameters of their relational existence. Agency is a more accurate term for freedom when this is understood to be dependent on our relations with others, and requires an active connection and participation with others to manifest. Unlike traditional notions of sovereign freedom which entertain a fantasy of solipsistic power, agency is grounded in both a world of plurality as well as corporeality. We are not vague kernels of identity, but

instead enmeshed multiplicities of body and mind, space and time, and of course, self and others. The solitary ego framework for thinking about the world is not comprehensive enough with its conception of selves imposing their wills (even their well-meaning ones) upon the soil of possibility. Possibility is not a blank canvas, or wide frontier upon which one creates a world. The world is already here, and it is us. To act is necessarily to act upon and from within the world. That world is made up of every person who can and does contribute to its continual change.

While the conception of freedom based on the model of the solitary ego is too general, it is also too constricting. The idea that a person's contributions, ideas and acts are isolated to their singular lane of life, only tentatively meshing with a potential social horizon, is an erroneous image of what it is to act in the world. From the start, one's ideas to act, and the actions themselves are tied up with one's being in the world; their motives, performance and consequences are tied up with those of others. The traditional western model of the singular sovereign self may view this as limiting, but the nexus of relations framework of the self acknowledges our actions and projects are only conceivable or possible via our co-constitution with the world and others. So it is not a matter of one framework being more useful to the ends of freedom; what Guenther and other post-phenomenologists are trying to explain, is that solitary "freedom" is a flimsy fantasy whose logic does not even cohere with the actual form of worldly living. Self as co-constituted by and with the world is the only ontological framework of subjects that makes sense if we want to think about actual freedom, or agency.

Agency and "Freedom"

Agency is a capacity conditioned by our connection with others. It is not simply a measure of the amount of others we can interact with, but also comprises our *ability* to determine in which ways we interact and co-constitute a world. One reason for calling it a capacity is that agency is necessarily tied up in the material and social abilities of people. Since the capacity itself is the ability to participate in the structuring and restructuring of the parameters of possibility for oneself and others in the world, clearly one's ability to perform perceptual and cognitive functions could affect their ability to participate in the restructuring of the flow of possibility. Finally, though it is something that can be deprived, as the previous section described, it cannot be called simply a freedom. This is because enacting agency is not simply choosing among choices, it is the participation in the constitution of possibilities which make it possible for there to be choices at all. Laws, social barriers and practices, norms... incarcerated or not, all persons exist in a world with these walls, footholds, foundations, conduits and parameters. The thing of critical importance that incarcerated persons are deprived of (at least arguably to a greater degree than the non-incarcerated), is the ability to have a meaningful say in what those factors are.

This paper is not addressing the morality of punishment in general, only the current paradigm of prolonged confinement. To that end, broadly speaking, a punishment itself might appear, perhaps ideally, to be an act of agency. Performed by an institution, it is a reinforcement, and thus a continued structuring of a social parameter, the parameter in this case being the accepted institutional consequences of an act undesired by the state

or institution. But punishment, in the particular form of an infliction of prolonged confinement, has a limited existence as an act of true agency. This is due to true agency's nature as *open-ended and mutual*. If legal and penal institutions adopted the nexus of relations framework of the self and championed agency over a merely quantitative freedom, the infliction of punishment might be described as the 'response' to the perpetrator's act of agency: the crime in this case being an infringement of accepted parameters, and thus an attempt to rearrange the openings and closings of possibility. But such a description would be insincere, for both the continuity *and* the mutuality of the never-ending conversation that is agency, the flux of the pathways of possibility, is severed once a person begins a carceral existence. Agency, one's say in those parameters, is replaced with freedom in the strict quantitative sense, the desert of mere choice.

This is not to say that it is always wrong to deprive someone of certain prospects of agency, nor does this paper preclude the possibility of just punishment. There are certainly pathways of possibility which should remain closed, and certain people who have the right to close certain doors. The gross deprivation of agency addressed in this paper, and inflicted upon the incarcerated, is the amputation of virtually all participation in *any* opening and closing of pathways of possibility. Of course there are ways that an incarcerated person can affect life within the institution. One common pathway by which the incarcerated act upon the non-carceral world, and a way that takes the form of an act of agency, is the appeals process. But even the tumult of trying to undo or mitigate one's sentencing is a form of isolation and thus agency deprivation. This is because the person is still only existing within the parameters set for them, and successful or not, the

infliction of a prolonged confinement cannot be retroactively labeled an act of true agency, an act upon the world which beckons a response. If this section evokes a sense that I am advocating for a more open-ended form of punishment that establishes a more active link between punisher and punished, then it is doing its job.

Lastly, agency is necessary for a meaningful life. This might seem like a strong claim, but such an interpretation is most likely attaching too much weight to the word 'meaningful'. My use of 'meaningful' should not be equivocated with 'worthy' or 'worth-living', for this paper has no goal of allocating different distinct values to varying lives**.** But this paper does have the goal of criticizing the imposition of particular living conditions, for the negativity I assign to prolonged confinement is due partly to its nature as an imposition. 'Meaningful', to describe a life, means simply that it is one of 'meaning-forming': it constitutes itself through its continued interaction with and through the world in an open-ended state of reflection, judgment and meaning attachment. Where freedom deals in choices, agency deals in possibility, which is necessarily enmeshed with the agency of others, *their* possibility. It is not that sovereign freedom and the solitary ego are incoherent concepts, only that they are not conceptually robust enough to account for the meaning and dignity deserved by those living in the world.

Asymmetry in Agency

To understand the possible wrong-doing in an amputation of agency, it is necessary to grasp that disparities in agency are not intrinsically harmful. One reason for this is that such disparities are naturally-occurring and inevitable, because the distribution of agency between people, even those in apparently equitable social positions, is *usually*

asymmetrical. There are many types of acceptable relations in which different people affect others' possibilities to different extents, often with noticeable asymmetry. Some examples are the employer-employee contract and the tutelage between a teacher and student; but the most consistently occurring example of accepted asymmetry would be that between a child and parent. The asymmetry of agency, the natural and conditioned limiting of the child's participation in shaping their social parameters and those of others, is justified on the basis of their incipient knowledge of and concern for their wellbeing and that of others, and in the case of younger children, their relatively lower physical strength and psycho-emotional control.

In *The Ethics of Ambiguity*, Simone de Beauvoir echoes the sentiment that childhood is a unique kind of agential asymmetry. From the beginning, a child enters a world not of their own creation, "which he has not helped to establish, which has been fashioned without him, and which appears to him as an *absolute to which he can only submit"* (emphasis added).[32] De Beauvoir calls this conception of the human world as firm and immutable as the "serious world". She argues that "the spirit of seriousness is to consider values as ready-made things," and we can of course find similar perceptions about modern culture, society and politics even in adults.[33] The distinguishing feature of children, however, is though they perceive the world as "definite and substantial things", they have yet to grasp that they are in fact a part of it.[34] "Even when the joy of existing is strongest, when the child abandons himself to it, he feels himself protected against the

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[32] Simone de Beauvoir, *The Ethics of Ambiguity,* (New York, N.Y., Philosophical Library, 1948), 37.
[33] Ibid, 37-38.
[34] Ibid, 38.

risk of existence by the ceiling which human generations have built over his head."[35] This is one way in which the child's state, in relation to freedom, is apparently similar to the imprisoned person. Though their own conceptions of their situations are assuredly different, there is a comparable level of powerlessness in playing a role in the creation and development of the world they live in. Both the child and the prisoner are incapable of playing an active role in the world's, *their world's,* development; children have more to learn before they "assume [their] subjectivity", while the prisoner "can exercise their freedom, but only in the universe which has been set up before them, without them."[36][37] Of course, there is one crucial difference between the child's lack of agency, and that of the prisoner's: the child's agency is nascent; it is in the process of being gradually constituted or *enkindled*, while the prisoner's lack of agency, although having once existed, is deliberately and suddenly *amputated.*

As previously mentioned, agential asymmetries are not inherently undesirable. Often there will and must be connections severed and possibilities closed between different persons to various extents. The asymmetry of the parent-child relationship, however, is a paradigmatic case of an asymmetry worth reconciling; as the child's doubt about the 'serious world' increases, so must their awareness of their own latent capacity and responsibility to constitute the *actual* world, which is produced by people's actions and interactions. For the prisoner, the inverse occurs: they are stripped of their capacity to partake in that co-constitution, while ironically their punishment can only be justified via

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[35] Ibid, 39.
[36] Ibid, 42.
[37] Ibid, 39.

the agential responsibility which will soon be nonexistent. Amputation describes this process aptly because unlike the gradual nature of a child's acquisition of agency, the deprivation of such through the carceral process is sharp and sudden. The process does not resemble a conversation, a communication between two parties. The eventual return of agency, which is never returned in-full of course, is not the culmination of two or more parties' understanding and resonating with each other. It is simply the release of strangulation. And this is not even considering those imprisoned for life, who will never be given the chance participate in the constitution of a shared world, and re-oil the engines of their agential being.

Under closer scrutiny the two asymmetries begin to look nothing alike; if we consider the trajectories of each, they may even be polar opposites. Previously, it was suggested that both examples represent an incapacity for agency, but when these asymmetries are viewed as processes and not merely snapshots, we see that the disparity of agency between a child and parent is merely a first necessary step in the blossoming of one's full stake in a connected world; it is a disparity that is in the process of *being overcome*.[38]   The *enkindling* of a child's agency is not the crossing of a single threshold (as legality would have one believe), but must be viewed temporally, both as itself a flow from parent to child, and as the gradual assumption by the child of their part in larger and more intricately connected fluxes of agency. For the child, the acquisition of comparable agency to their guardians, though not appearing as a strict teleology, is the framed goal,

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[38] This is not to say that all disparities in agency must be overcome. The child-parent agency assymmetry's ubiquity and relative ease of appraisal makes it a prime example of acceptable and ever-present asymmetry, but many other cases of asymmetry do not necessarily represent a yearning to prepare one for inclusion in their agential circle. And as paradigmatic as the child-parent asymmetry is, it is simply one example of a process inherent in social existence.

of the flow of agency within the child-parent relationship. The notion that the capacity for agency changes, and that this change is anticipated and even desired (one can hope), such as in the case of child-rearing, is the pivotal factor in how we can appraise different asymmetries of agency.

While the parent-child relationship looks toward the future and gradually prepares the child for their actualization as a freedom-bearing coexistent, the prisoner-prison relationship is not one which looks toward the future. The prisoner's agential state in one way resembles the lack of stake in a world given to a child, yet seems to be oriented toward the past (guilt, culpability, penitence) or at most the present (the rigor of the carceral system, the status quo). One final aspect of the prison-prisoner asymmetry, which is an ironic facsimile of its childhood counterpart, can be called the "paradox of paternalization". To be integrated into the carceral process, a future-prisoner must bear sufficient agency (generally this is as simple as being of legal age) to be thought capable of bearing the responsibility for whichever crime initiated the process. And yet, this capacity for agency is neglected or made invisible to justify the treatment and conception of prisoners as incapable of reparating their own damages, of reconciling themselves with their moral community (assuming of course that their carceral stay is an ethical consequence and not merely a *legal one*). Thus, agency, when crudely reduced to the legal status of adulthood, does not survive either as a useful concept for actual freedom (i.e. co-existential meaning-forming), nor as a means of mitigating the paternalistic tyranny of the prison, which echoes only the asymmetry of agency from the days of childhood, and none of its comforts.

Oppression and the Flow of Agency

Agency is constantly *in flux*. This flux, the vector of agency, is the reason why even those in ideally symmetrical relations of power and possibility (such as coworkers, students, or intimate partners) *actually* operate along entirely different maps of agency, with varying amounts and kinds of possible pathways of interaction with the world. Read one way, this seems entirely obvious: we all live different lives. But the critical implication of this depiction of agency as each person's unique mesh of possibility, is that our differing lives trespass on one another, *constantly and necessarily*. The idea that the temporal intersecting of our possibilities and limitations is as natural and recurring as are wind and rain, allows us to consider asymmetry in agency as, at least in itself, acceptable. As previously argued, the parent-child agential asymmetry is one of those natural disparities, and it is ideally, only a temporary disparity. The asymmetry exists to be reconciled and balanced, in a process which can itself *be* a form of agency, and which in its final form allows a person to then participate in the shaping of the world via their own agency: their stake in a connected world.

As the parent-child section of this chapter invoked de Beauvoir, the discussion of the "inverted child-rearing" represented by the carceral process will also be developed using de Beauvoir's notion of *oppression*. The relationship between agency and meaningful existence are represented quite well by the unfolding of the parent-child relationship because there is always a temporal dimension to agency. It is necessary that the kind of freedom agency represents is open-ended: both that it looks toward the future and that the future in question is an open horizon. "Open horizon" here should not elicit

the idea of a blank canvas, the kind that traditional notions of sovereign freedom might evoke; instead, an open-ended future born from agency is one that is enmeshed not only in the agency of others today but in the world previously created, the past, upon which agency in the present can build. This is not to say that our actions are entrenched or trapped in a stagnating past, but that our agency can benefit from the agency enacted in the past as long as we take the past up in an active way in the present. As de Beauvoir notes "one does not love the past in its living truth if he insists on preserving its hardened and mummified forms. The past is an appeal; it is an appeal toward the future."[39]

Oppressors are those who invert the temporality of agency, inflicting a static, disconnected existence upon those at their mercy, an existence which is forcibly oriented away from any open horizon. One's possibility is "condemned to fall uselessly back upon itself because it is cut off from its goals. That is what defines a situation of oppression."[40] To this extent we can understand carceral existence as a form of oppression. Oppression, just like the carceral process, can be likened to an inverted or stagnant parent-child relationship; whereas a child is ideally in the process of having their agency enkindled, the prisoner's agency is snuffed out, and the ritualistic nature of their carceral life is meant to keep the embers of their former agency from reigniting. The carceral state of existence as a state of oppression takes the form of a malformed mirror-image of the parent-child relationship. It works to infantilize the prisoner in the same way that de Beauvoir describes children as living in a world of given facticity. The difference, however, is that adults understand the facticity of the world is contingent on those living

[39] Simone de Beauvoir, *The Ethics of Ambiguity,* 102.
[40] Ibid, 87.

in it: it is a mutable world, and thus that which happens to them is necessarily *done* to them, *by others*.[41] There is an immense tension between this understanding of the world and the facticity curated by oppressors, as de Beauvoir states, "The trick of tyrants is to enclose a man in the immanence of his facticity and to try to forget that man is always… a being of distances, a movement toward the future, a project."[42] De Beauvoir finds that the assumption by the oppressor of the role of "parent" in this asymmetry, concatenates their curation of a facticity by shrouding their unjust state of affairs under the veil of "the natural", "since, after all, one can not revolt against nature."[43] As to the nature of carceral living, de Beauvoir's analysis reflects Guenther's discovery that within a prisoner's consciousness, a corrupt shadow of the rational soul Rush and reformers thought existed can take shape. The sovereign soul thought to only require food, water and shelter manifests as just that, a creature lacking ability to do anything else, "their life is a pure repetition of mechanical gestures; their leisure is just about sufficient for them to regain their strength."[44] In contrast, what Guenther and de Beauvoir both demonstrate as necessary for a meaningful life, is one which can transcend itself through agency, freedom enacted *with* others, "To be free is not to have the power to do anything you like; it is to be able to surpass the given toward an open future; the existence of others as a freedom defines my situation and is even the condition of my own freedom."[45]

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[41] Barring nature of course.
[42] Ibid, 110.
[43] Ibid, 89.
[44] Ibid, 89.
[45] Ibid, 97.

<u>**Conclusion**</u>

The complexity of the nexus of relations that we are and exist within, makes it incredibly unlikely that any two people will operate along exactly the same axes of agency, the same potential pathways of possibility. So part of what is involved in comprehending agency is akin to the acceptance of our ignorance of marginally differing levels of agency, or common asymmetry. While asymmetry itself is constant, the particularity of asymmetry, the relative position along the pathways of possibility each one of us occupy, is largely an ephemeral thing, constantly shifting. However, there are times when this complexity emerges from its dark nebula: these are moments and entire lives, states of existence, which are bloated with or starved for agency. The despairing truth of the latter, those sentenced to prolonged confinement within prison walls, is that the alarm that such a cruel fate should raise in the public, the disgust at such a severe constriction of agency, is often shrouded by many other darknesses. Literal walls, networks of soul-crushing bureaucracy, political interests that benefit from a hidden and muted carceral population, all of these are produced by and throughout institutions which rely on an exiled public as part of their anatomy. But most importantly, the continuity of these institutions is not maintained by natural forces, despite the ubiquity of their acceptance as essential aspects of human society; on the contrary, carceral practices are produced and reproduced by a legacy of iterated human practices. Of the darknesses that shroud the carceral population, this paper's mark is that of the general acceptance of the relational dynamic between the public and the incarcerated: the acceptance of the supposed "benefits" from the exile of the incarcerated from the public. The following

chapters of this thesis should make two points clear: one, that the separating of the non-carceral public from prisoners is indeed an integral aspect of modern carceral logic, and two, that this separation has little to do with justice and may often counter the possibility of true reparative acts of repentance.

In this chapter, it was necessary to first develop a concept of the self as a nexus of relations, in direct opposition to traditional western narratives of a singular abstracted and independent self, to set the foundation for an account of agency as the critical deprivation faced by those sentenced to prolonged confinement. With this context in mind, it becomes clear that carceral existence consists in an existential deprivation because it amputates the possibility of participating in shaping the parameters of a shared world.

By emphasizing the full dimensionality of agency, as opposed to a traditional model of freedom as sheer choice, we can now begin to grapple with this paper's desired target of inquiry: the social chasm between the incarcerated and the non-incarcerated. If this lacuna is produced and reinforced through institutions which require continual non-interference, how did such a perfect storm, perfect for the continual smothering of agency, come to be? What have been the trajectories of agencies past that have led the current state of relations between the incarcerated and the non-incarcerated public? And what are the relations between the "goals" of carceral institutions and the conditions of agency itself?

CHAPTER TWO

While Guenther's historical analysis details the development of the carceral paradigm's grasp and effect upon the individual, Foucault's *Discipline and Punishment* tracks the development of the carceral institution into its current form: the conditions of its emergence, its practices, and progression. The similarity of the genealogical frameworks utilized and the theoretical content covered in these works is not surprising, as *Solitary Confinement* draws heavily from Foucault's work in *Discipline and Punish.* A key difference between the scope of the two writers' works is that Guenther focuses on the experiences of individuals vis a vis a particular carceral practice, while Foucault's analysis pertains to penal practices' effects upon *groups of people* and the history of the changing landscape of power between punisher and punished. Certainly Foucault grapples with carceral effects upon the individual, but the focus is on the production of a particular type of *body*, and not consciousness or experience. This chapter will return to the relevant parallels and differences between the two works, but the main focus of this chapter will be an analysis of the dynamics of disciplinary power as described in *Discipline and Punish*, and subsequently how this framework explains the current schism alluded to in the conclusion of chapter one: the alienation between the imprisoned and the "free" person. 'Alienation', 'gap', 'barrier'... it is difficult, and perhaps foolish, to try to pin-down the relation between these two parties in a single term. This chapter aims to

illuminate the complex enmeshment between the two, and to explain why and how such an apparently stark dichotomy is produced and reproduced.

Beyond retracing Foucault's steps through the genealogy of modern prison, this chapter will define the limits of the term "reform" in its relation to the evolution of the carceral disciplinary matrix. Two types of subjects are primarily the target of reform (or purported to be) in unique senses: the prisoner as a person subject to rehabilitation/behavior-modification/treatment, and the prison itself as subject to institutional, managerial or legal changes. Both of these fail to capture the moral gravity and systematic change one expects from a *true* reform, and the end of this chapter will attempt to explain that a final critical subject has continually escaped the efforts of such a reform: that of the carceral cycle at large. This chapter's analysis of disciplinary power as described in Foucault's work will provide the background for explaining why the former two types of reform represent an 'inert reform' tailored to the continuity of the systems which enact them.

Lastly, it should be noted that no analysis of the state of punishment in the contemporary United States is complete without an exploration of the racialization of criminality, especially as related to Foucault's diagnosis of the essentialization of criminality. This chapter must be read with an awareness of the unique circumstances surrounding the incipient model of carceral existence which was colonial and early-American slavery, and well as an understanding of the genealogy from slavery as an economic enterprise to today's penal institutions which still work to asymmetrically synthesize criminality and Blackness, as well as profit from unpaid or underpaid labor.

Though Foucault does not focus on slavery or race overtly in *Discipline and Punish,* slavery represents a particular disciplinary regime, and because of its status as the predecessor to the current penal paradigm and its subsequent bearing on the experiences of Black persons since emancipation, this chapter will attempt to elucidate the dimension of race as regards to the production of a delinquent or criminal class.

A Genealogy of Punishment

The genealogy in *Discipline and Punish* begins in the waning days of public punishment in the 18th century. According to Foucault, the goal of public punishment, with its spectacle and brutality, is an act that inscribes its meaning both in the body of the punished, and in the society which bears witness to its spectacle. "The public execution is to be understood not only as a judicial, but also as a political ritual."[46] In the time of sovereign rule, crimes committed were described as direct injuries to the sovereign, and thus, the public punishment owed to the actors in question was as an act of self-defense and revenge on the part of the sovereign, just as much as it was a ritual for maintaining the perception of the sovereign's immanent dominance amongst the common people. The body of the punished person became fuel for the sovereign's continued rule, "the anchoring point for a manifestation of power, an opportunity of affirming the dissymmetry of forces."[47] Though the relations between sovereign and ruled were definitionally hierarchical, the "dissymmetry" highlighted during public punishment was not strictly a dynamic of powerful and powerless, rather, this dissymmetry consisted of

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[46] Michel Foucault, *Discipline And Punish: The Birth of the Prison*. (New York :Pantheon Books, 1977), 47.
[47] Ibid, 55.

differing possibilities between the sovereign and the public. If the dynamic of public

punishment most directly involved a relation between the sovereign and accused, one can

ask what role the witnesses to such events played. According to Foucault, "the role of the

people was an ambiguous one."[48] Because of their position of relatively safe observation,

the aim of cementing the sovereign's rule could often be subverted in the mind of

witnesses: scenes of violent punishment could enkindle their empathy, as well as their

acknowledgement of the cruelty being witnessed and potentially overarching cruelties

with their society as a whole. Though the spectacle did remind the public of their status

as ruled subjects, it did not necessarily work to make them accept it. Two critical flaws in

public punishment, at least in the eyes of the sovereign power that administers it, were

the ambiguity of its effect on the public, and its proximity to that public. Whether the

public accepted or raged against the violence they bore witness to, the transparency of

public punishment almost guaranteed that at some point in time, the latter would occur.

Both the ambiguity of the public sentiment and the proximity of punishment to that

public would be dealt with in the coming centuries after the prime of public punishment.

Though the ambiguity of public sentiment presented a risk to the sovereign, it was

not the only contributing factor to the shift to the next stage of punishment described in

Discipline and Punish. It is also important to note that 'motivating' or 'contributing'

factors does not necessarily denote a *design* or *intent*. As Foucault argues, the

transformation that penality underwent from the 18th century to today:

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[48] Ibid, 58.

"forms part of a whole complex mechanism, embracing the development of production, the increase of wealth, a higher juridical and moral value placed on property relations, stricter methods of surveillance, a tighter partitioning of the population, more efficient techniques of locating and obtaining information:"[49]

This complex web of aims, sentiments, cultural changes and technological advances makes it erroneous to consider the current penal paradigm or any stage of the transition described as the work of some mastermind or shadow government, though there are certainly parties and persons who have advocated for and benefited from the changes that came with an ever-evolving carceral landscape. Foucault cites Jacques Guillaume Thouret, from arguments presented during the Constituent Assembly (1790), as portraying the then current justice system as having become "denatured".[50] Thouret argued that a critical problem for existing punitive measures was their lack of uniformity: "the discontinuities, overlappings and conflicts between the different legal systems… cancelled each other out and were incapable of covering the social body in its entirety."[51] Foucault rightfully concludes that the brunt of the criticism laid forth by the reformers was focused on the potential *efficiency* of punitive systems, since public punishment could not promise to yield a consistent and general public perception. While punitive cruelty and violence were an issue addressed at the Assembly, they were ultimately identified as effects of the more foundational problem of penality's messy, disjointed and

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[49] Ibid, 77.
[50] Ibid, 78.
[51] Ibid, 78-79.

discontinuous character. While the reform itself did not have a singular "origin" nor

spearhead, the movement had a certain cohesion as reflected in:

"its primary objectives: to make of the punishment and repression of illegalities a regular

function, coextensive with society; not to punish less, but to punish better; to punish with an

attenuated severity perhaps, but in order to punish with more universality and necessity; *to insert*

the power to punish more deeply into the social body."[52] (emphasis added)

Ultimately, whatever form penality took after the age of spectacular public

punishment, it would have to be one that benefitted society itself, less the fear of revolt,

disgust and lack of faith in rule reassert itself. The discourse of penal reform included

concepts of both a minimum humaneness of punishment (proportionality, desert,

equitable retribution), as well as desirable consequences of punishment (reforming the

criminal, preventing recidivism, general deterrence). In Foucault's analysis of the current,

disciplinary penal paradigm as hinged upon the production of a delinquent class, one

finds that either justification for punishment, retributive or consequentialist, ultimately

fails to obtain, or rather, that these categories do not cohere with the actual aims and

function of the current penal paradigm. However, in the transitional epoch of penality

that directly followed the age of sovereign power, utilitarian and social justifications

informed the evolution of imprisonment as the primary means of punishment throughout

western society. Throughout these incipient designs of a new penality, retributive

justifications for punishment rarely seem to enter into the calculus of guilt, sentencing

and fairness. "Punishment must be regarded as a retribution that the guilty man makes to

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[52] Ibid, 82.

each of his fellow citizens, for the crime that has wronged them all", claims such as this, according to Foucault, mark the growing reformist intention to reorient the aims of punishment not as justice toward a person or a sovereign, but as a reparative act to society.[53] This transitory period between the era of spectacular public punishment and that of modern disciplinary penality, is characterized by an emphasis on "punitive signs." Through an institutionally-driven proliferation and normalization, this economy of punitive signs would give "to the power to punish an economic, effective instrument that could be made general throughout the entire social body, capable of coding all its behaviour and consequently of reducing the whole diffuse domain of illegalities".[54] These designs did not represent a shift entirely away from the 'spectacle' of public punishment; more accurately, the representative and mimetic effects of these public displays were extracted and heightened while the corporeal brutality lessened. The shift of practices from inflicting direct wounds and death to elongated detainment visible in such practices as the "chain gang", as well as in an emphasis on clear and robust investigations as to guilt and consistent sentencing, began to naturalize an idea of justice and law that is not simply the will of the sovereign power, but an essential function of society. These new penal practices, with the overall goal of generalizing punishments to erode the danger and unpredictability of the brigandage of earlier times, would be subsumed by the advent of disciplines which characterize modern society; the envisioned semiotic clockwork would exist as an arm of the disciplinary landscape on the horizon.

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[53] Ibid, 109.
[54] Ibid, 94.

Though the reformers' invoke a *just* retribution, their proposals entail a definitive shift in the element of *proportionality*; the relation between the criminal, their act, and their punishment. While the shift envisioned was a clear progression away from a one-to-one, *lex talionis* brutality, proportionality would shift instead to a minimally efficient *link*, or fulcrum, by which the severity of the punishment would be determined not by the criminal act itself, but by the *type of act* and the perceived threat to society. "One must calculate a penalty in terms not of the crime, but of its possible repetition."[55] Foucault explains that a 'prevention-by-example' mentality had been a long-standing justification for punishment even before the time of the reformers. What they changed was that prevention was no longer merely a desirable effect of punishment and instead became "the principle of its economy and the measure of its just proportions. One must punish exactly enough to prevent repetition."[56] This logic represents the last embers of traditional retributive coding in modern penality, traditional in the sense of the punishment corresponding directly to the severity of the crime. Once the modern goal of punishment, deterrence, became independent of the person whom it is inflicted upon, proportionality could only act as a limiter or constraint on the intensity of punishment. This corruption of proportionality renders the criminal "the least important element" in the "calculation of penalties", though the criminality they "embody" will eventually become the axial unit of punishment itself.[57] This, and the entire breadth of reformist aims, demonstrates a new approach to punishment as consequentialist in its justification,

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[55] Ibid, 93.
[56] Ibid.
[57] Ibid, 95

and ultimately economic in its practice. Though the economizing features of the carceral continuum would only strengthen with time, traditional consequentialist aims would soon be rendered mere stand-ins for the actual aims of penality in its modern form: those of its own perpetuity.

<u>Discipline</u>

As Foucault argues, modern penality owes its current telos and mode of operations to the advent of disciplinary methods, as well as a growing awareness of an inefficient (toward the ends of the ruling class) economy of power manifest in the sovereign model. Whereas sovereign power functioned overtly against the body of the punished, disciplinary power's work against the body was more covert, unfolding methodically over time. Another distinguishing feature of discipline from other relations of domination and sovereign power, is the aim of discipline to increase in the subject both their capabilities *and* their obedience, simultaneously. Foucault traces the general adoption of these methods within political institutions (schools, hospitals, barracks) to an accumulation over time of "minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method".[58] This general method involves producing a detailed taxonomy of physical attributes, behaviors, acts and origins of those subjected to it, for the sake of rendering intelligible all possible avenues of utility increase and docility maintenance, as well as any anomalies which could impede these aims. Of course

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[58] Ibid, 138.

different disciplinary institutions have varying genres of problems and goals which they purport (the hospital is to illness as the school is to ignorance), but they all rely on a structure which self-sustains via the *knowledge it produces.* Deftly exploiting the power-knowledge relationship (which will be expanded upon later in this chapter), discipline defines the units of its optimization (the ill, the student, the insane, the criminal) in whichever field in which it operates, and the new knowledge which yields this optimization feeds back into the securing of power relations, and subsequently the legitimacy of the institutions themselves.

To best economize those subjected to its grip, to maximize their utility alongside their docility, a disciplinary institution must first delineate the attributes and purpose of every part and every relation of those subjects, or more accurately, it must perform the partitions itself. What the act of rendering intelligible the exploitable features of a person reveals about disciplinary mechanisms is that the delineations they perform are first and foremost oriented by how and to what extent the person can be exploited. That students are divided by age-group, soldiers by rank, and criminals by their crimes, is not a division given by nature itself, but one that disciplines create, *produce,* for the sake of better management, and inevitably more output, of those subjects. Before we examine the prison as a disciplinary institution, it's important to keep in mind one additional aspect of disciplinary institutions in general: that their hold on their subjects and the proliferation of their knowledge production grow at exponential rates. This is due to the efficiency they work to foster, since any successful disciplinary institution will produce in its subjects the capacity to maintain the institution and its hold on them and their docility.

This creates a sort of cycle or feedback loop wherein errors and bumps in the disciplinary system's continued efficiency and/or growth trigger further delineation of itself and its subjects, updating its own coding and logic to account for, at a deeper level of specificity, any such setbacks or anomalies. For example, schools often hierarchize students not only by age-group, but by performance (honors, AP, remedial, etc.). These ranks and classes, and their apparent necessity, are produced and normalized in the eyes of the public by their continual use and reinforcement in policy and coding. As more anomalies and frictions are noticed, more ranks and categorizations (such as level of talent, behavior, literacy) are distinguished, yielding an updated logic of norms by which to further disambiguate increasingly docile subjects as well as bolster and naturalize the various dynamics of power unfolding throughout the process.

To sum up, this process reflects the core aspects of the relationship between knowledge and power; as Foucault describes, " there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations."[59] Prison represents an ideal domain for the unfettered practice of disciplinary knowledge-production and growth, however, it should be noted that as virtually every aspect of modern living, at least in western societies, is positioned tightly amongst a nexus of disciplinary powers, non-carceral reality is still very much *produced* in the same way as life behind bars. Though prison is a particularly unrestrained disciplinary machine, it is by no means the only one, and its modes of operation are interwoven throughout many others.

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[59] Ibid, 27

What is it about prison that allows for such a powerful disciplinary proliferation? Prison is the model disciplinary arena because it is structured in accordance with the basic principles of a strong disciplinary system: classification, partitioning of bodies and space, time-management, the control of visibility, hierarchizing and rank, and most importantly the power to enact its disciplinary mechanisms upon the bodies of those under its subjection with virtual impunity. The institution of the prison displays a unique capacity for the subjection of bodies into what Foucault calls "docile bodies":

"Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience). In short, it dissociates power from the body; on the one hand, it turns it into an 'aptitude', a 'capacity', which it seeks to increase on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection."[60]

The additional fact that prisons are often located far away from more populous areas, and far from the pity of those outside prison walls, makes prison a "protected place of disciplinary monotony".[61] Within this testing-ground, in ways that shape disciplinary practices in non-carceral institutions, the docility engendered in subjects is one of anomaly-elimination. This is due to the notion of *rank* as the relative reward for the continued docility and utility of a subject in a system. The pervasion of the examination as a primary disciplinary mechanism works to partition subjects into varying categories of success/failure at maintaining the institution and/or efficiently producing the desired output. This system produces in the subject a particular logic of desire and horizon of

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[60] Ibid, 138.
[61] Ibid, 141.

possibility, all of which are tailored to the disciplinary system's own continuity. To escape detection as abnormal becomes a standard aim of subjects in such a system, lest they become the target of shame and demotion, something Foucault refers to as "infra-penality".[62] Foucault argues that the evolution of these disciplinary techniques and the humble beginnings of their eventual spread throughout modern society, is best represented by Jeremy Bentham's *Panopticon*.

Panopticism

The Panopticon is an architectural ideal envisioned by the 18th century philosopher and father of Utilitarianism, Jeremy Bentham, and describes a circular structure with a central watch-room meant to allow supervision of rooms and cells which line the inside of the circle.[63] Additionally, the individual cells are partitioned from each other, so as to constrict the view of those within each cell to only the potential gaze of the watcher in the center of the structure. Though it was initially envisioned as a literal architectural structure independent of a necessarily penal function, Foucault argues the logic of the panopticon, *panopticism*, would eventually become the model disciplinary mechanism which would unfold throughout society and become ubiquitous in western modernity.

The application of panopticism represents many significant turns in the genealogy of modern penalty. For one, it represents yet again a turn away from the visible demonstration of sovereign power, ironically enough, through the control of visibility itself. Specifically, the framework of the Panopticon enacts an illumination which

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[62] Ibid, 214.
[63] Ibid, 200.

extends outward from the center: an asymmetrical illumination which leaves nebulous the

watcher(s) at its core: "the inmate must never know whether he is being looked at at any

one moment; but he must be sure that he may always be so." [64]The dissymmetry is one of

light just as much as it is of knowledge, since the watcher, who of course will always

know of the status of the prisoner, need not even be present to instill the dominance of

supervision in the prisoner. Additionally, in the harshness of constant visibility, the

subject is intensely individualized due to the myriad forms of partitioning being executed

upon and around them: literal walls which separate them from their fellow subjects,

records of their daily behavior and conduct, as well as constant reminders of the

identifying marks (sex, race, age, threat level) which define their position and function in

the disciplinary system.

     We can gather from Foucault two critical inversions which resulted from the

gradual adoption of panoptic techniques and the shift to individualization as a means of

control. One was the inversion of sovereign logic that exalted visibility/noticeability as

desirable, and something reserved for those *in power*. Because the asymmetry of the

Panopticon's dynamic of power vested control in the faceless, ambiguous center,

invisibility becomes a privileged position. Foucault calls this a reversal of the logic of the

dungeon: light is a better captor than darkness "which ultimately protected. Visibility is a

trap."[65] Additionally, because the panoptic center is the place of shadow, and lacks any

distinct face and/or name, panoptic logic *itself* appears to the subject as the only bearer of

control within the dynamic. Thus, any panoptic institution or practice can exude the

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[64] Ibid, 201.
[65] Ibid, 200.

analog of sovereign legitimacy, without risking the unveiling of any particular faces or names worth dissenting against.

Secondly, this process also works to invert the concept of individuality itself, rendering it as a negative, something disciplinary logic works to locate and constrict. To explain, the constriction of panopticism only individualizes in the sense that it *parses* its subjects both physically (within their individual cells), as well as normatively (distinguishing disciplinary markers); in this vein, the "individualization" only constitutes a *separation*.[66] Additionally, because the "individualization" occurring is the result of an enclosing of subjects within parameters they had no or very little input defining, when enacted regularly upon a great many subjects, panopticism renders individualization itself as a form of homogenization; all distinguishing features are those which support disciplinary functioning. Foucault describes this parsing as "coercive individualization, by the termination of any relation that is not supervised by authority or arranged according to hierarchy."[67] While each subject may bear a unique history, if every recorded feature also serves an informative function for disciplinary coding, each subject's "uniqueness" is determined only as a means of *accounting* for it, and subsequently all meaningful distinctions are reduced to a digestible legibility for the carceral system.

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[66] 'Separation' can be distinguished from a 'disclosure', (a process which reveals uniqueness highlighted by Arendt which will be discussed in the following chapter of this thesis) since the "unique" markers are only those relevant to the disciplinary logic and not those disclosed by the subject themselves, or between themselves and other unique persons.
[67] Ibid, 239.

Recall that one of the potential "flaws" of public punishment was the ability for onlookers to gather and swarm; whether in support or disgust, this capacity could open windows for the asymmetrical power of sovereignty to invert, or at the very least come undone. To account for this, it was not only important to disconnect the public from the punished, but the *punished from each other*. As Foucault argues, "the crowd, a compact mass, a locus of multiple exchanges, individualities merging together, a collective effect, is abolished and replaced by a collection of separated individualities."[68]

In addition to crowd-control, the orchestration of visibility within the Panopticon works to instill and manifest control from within the subject themself. The subtle, irregular and obscured presence of the watcher in the watch-room (asymmetrical of course to the stark and thorough visibility of the celldweller to the watcher) engenders in the inmate a sense of constant surveillance. This dynamic, this particular field of visibility (and invisibility) acts constantly on the body of the prisoner; the borders of their spatial, visual, aural and temporal awareness are not something they discover or determine for themselves, but are given and wholly determined for them. The constant possibility of being watched coupled with the irregularity and indeterminacy, incites an anxiety which normalizes the prisoner's subjected position and installs the role of the observer within them: "he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection."[69] This automaticity represents an economically efficient end for disciplinary mechanisms, and works to further legitimize the immanence of authority in the carceral subject (and

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[68] Ibid, 201.
[69] Ibid, 202-203.

potentially initiate their existential unhinging, as detailed by Guenther). The Panopticon's

installation of authority in the hearts of the incarcerated, revolutionized punishment as

something that could *preempt* the acts of the punished: "he who is subjected to a field of

visibility, and who knows it, assumes responsibility for the constraints of power; he

makes them play spontaneously upon himself."[70] The automatic normalization of this

ideal structure, the effect of the panopticon as it "induce[s] in the inmate a state of

conscious and permanent visibility that assures the automatic functioning of power"

reflects the penal functioning dreamt up by the reformers: that of engrained semiotic

subjugation to the norms of disciplinary life.[71]

Finally, what the Panopticon works to normalize in the subject (and eventually

society) is a forced yet ever-present asymmetry. Foucault often employs the term

"dissymmetry" to denote a relationship in which asymmetry of agency (a phenomenon

which the previous chapter argued is, in itself, not necessarily undesirable or even

significant) is forcibly instilled and constantly maintained: the Panopticon "is a

machinery that assures dissymmetry, disequilibrium, difference."[72]

Foucault stresses that the spreading of panoptic logic is due to its usefulness as a

general method of corralling, controlling and modifying large numbers of people,

regardless of the particular aim: "it serves to reform prisoners, but also to treat patients, to

instruct schoolchildren, to confine the insane, to supervise workers, to put beggars and

idlers to work."[73] The polyvalence of the model's applications guaranteed its easy fusion

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[70] Ibid, 202-203.
[71] Ibid, 201.
[72] Ibid, 202.
[73] Ibid, 205.

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with the blossoming of automation and optimization of economic and industrial enterprises of the 19th-20th century; it was only a matter of time before general society adopted these techniques as populations grew: "what was an islet, a privileged place, a circumstantial measure, or a singular model, became a general formula."[74] This general formula is one of forcing and maintaning asymmetrical power relations upon subjects, and as with any disciplinary functioning, knowledge which perpetuates these very disciplinary systems is produced in the process.

As for the carceral system, its respective body of knowledge would be produced by focusing on those who represented an anomaly to the functioning of the subtle, unseen and behaviorally conditioning powers of panoptic justice: on those who acted against the norm. According to Foucault, the emphasis on normalizing subjects worked to invert individuality's past characterization as something reserved for kings and heroes.[75] Whereas individualization was once a mark of prestige that warranted a sovereign's dominion over their subjects, it has now become the marker of subjection itself. In the evolution from public punishment to today, modern legends were written not about heroes who stood out, but about *enemies* who stood out: cautionary tales. The model "enemy" fabricated by such mechanisms is that of the delinquent. Under the logic of discipline, however, the delinquent is not a mere legend, but a positionality, a *type* of person. This classification represents the confluence of all identifications anomalous to that of the docile legal subject, into a role entirely cohesive (and crucial) to the continued

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[74] Ibid, 209.
[75] Ibid, 193.

functioning of the disciplinary system (now imbued with the tyranny of panopticism) and the carceral continuum.

Delinquency

'Delinquent' is a type. It denotes a particular kind of subject: a born criminal. Foucault is not suggesting that nature itself bears people destined for criminal and carceral existences. Rather, disciplinary power produces certain subjects as delinquents for the ends of their docility and utility: a process in motion before their birth. The delinquent as a type has many functions for the continuity of carceral systems. Firstly, delinquency represents a new frontier of "humane penality", insofar as the delinquent is produced as a victim of circumstance to a certain extent. This is not to say that subjects produced as such do not suffer the full brunt of disciplinary power, but that due to the emergence of the "biographical" as an "essential part of the preliminary investigation for the classification of penalties", delinquents were produced as subjects needing *treatment*, as people suffering a kind of "disease" of criminality.[76] In a diagnosis that harks back to Benjamin Rush, Foucault explains that "the delinquent… is to be found in quasi-natural classes, each endowed with its own characteristics and requiring a specific treatment".[77] According to this description, delinquency is an affliction produced by biological, social and political forces, whose diagnosis requires a robust archival investigation of one's life story:

"The observation of the delinquent 'should go back not only to the circumstances, but also to the causes of his crime; they must be sought in the story of his life, from the triple point of

[76] Ibid, 252.
[77] Ibid, 253.

view of psychology, social position and upbringing, in order to discover the dangerous proclivities of the first, the harmful predispositions of the second and the bad antecedents of the third."[78]

Thus, secondly, in addition to its modern acceptability as a product of relatively humane systems, the categorization of individuals as belonging to the delinquent type also justifies disciplinary knowledge acquisition to its most extreme degree. Amidst the process of the gathering of this data, subjects are produced as delinquents while at the same time the categorical framework of delinquency grows and its taxonomy becomes more entrenched in the norms of both carceral and non-carceral existence.

Thirdly, the new delinquent-prison model perpetuates the modes of life and behaviors it seeks to diagnose and "treat", while at the same time guaranteeing that 'delinquent' as an identity will congeal into reality. The rituals of codification and behavior modification work to produce the prisoner as their new type; identification numbers, housing assignments, security levels and other various markers work to strip away their social identity and affective history. Their previous lexicon for articulating their sense of self and communicating with others is replaced by the limited categories and norms of delinquency and criminality [to point ahead to the next chapter on Arendt, the unique "who" is replaced by the biographical "what"]. Additionally, the closed group of prison life provides an education in the techniques and semiotics associated with the delinquent type. The extreme isolation and rigor of prison represents an unfettered arena for the process of naturalizing subjects and enmeshing them in conditions of subjection and utility.

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[78] Ibid, 252, (quoting Charles Lucas, *De la reforme des prisons*, 1896).

With the advent of delinquency as prison's axial unit of efficiency, many of the arguments and prospects raised by the reformers have faded into irrelevance. Although, historically, the ideals of just retribution and deterrence have been conceptually and politically opposed to one another, they both bear only superficially on the modern machinations of the carceral matrix and its justifications. For retribution, trying to quantify and allocate culpability is already difficult, but if one must now somehow account for the state of one's disciplinary engendering, it seems almost impossible to peg any crime, let alone blame, to just one person. To be accurate, however, ascriptions of delinquency are not cast on iterations of criminal behavior, but on the whole of a person's overall criminal *essence*. As Foucault notes, this transforms notions of proportionality, "The penitentiary technique bears not on the relation between author and crime, but on the criminal's affinity with his crime."[79] The disciplinary aim of prison, in this sense, is a treatment of the criminal's character, and not a mending of an isolated wound on society, as crimes are often described. The remaining embers of retributive sentiment are reduced to the humane limits placed on punishment, the atomistic dignity of human rights, what Foucault calls the "enigmatic leniency".[80]

From the perspective of consequentialist approaches to punishment, one can at least accept the role of a convicted subject's upbringing and enmeshment within disciplinary systems, as long as those same disciplinary mechanisms subsequently work to produce in the subject the means to leave the carceral system and reintegrate with non-carceral society. However, such a hope is entirely incompatible with the current carceral

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[79] Ibid, 253.
[80] Ibid, 75.

paradigm's reliance on the delinquent type to function. The category of 'delinquent'

supposedly refers to an *intrinsic criminality*; how can recidivism be prevented in a being

whose repeat offenses are seen as predestined by the disciplinary systems which work to

imprison them? The aim of prison to reduce the criminality of one's character is more

likely to be inverted by life in prison: the forced association with other criminals, lack of

ability to find work after prison, and of course the fueling of further distrust of so called

'justice' systems.[81] Deterrence justifications, however, often look more to the system's

effects on society as a whole, not simply how it bears on an individual's life. The hope is

that prison, both in the incentive to avoid it, and how it bears upon those living within it,

will reduce crime. But prison cannot reduce crime, because it both *requires and creates*

the criminal.

The normalization of the idea that there can exist people with *essential criminality*

is due to the way in which power and knowledge operate in tandem, a process Foucault

often shortens to simply *power-knowledge*. Though referenced in the above section on

discipline in general, in regards to the delinquent, it is important to grasp that *power-*

knowledge works to produce the idea that effects and practices which are enacted

politically, are grounded in, or born from, some axial unit, or property of human nature.

In Foucault's *The History of Sexuality,* which unsurprisingly focuses on sex instead of

criminality (though the concepts are certainly not without their intersections), Foucault

demands a heightened awareness of this *trick* or reversal: the fact that power-knowledge

fabricates the *essentia* upon which it operates and which anchors the legitimacy of its

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[81] Ibid, 265-268.

practices. In the closing arguments of the book, Foucault describes a reversal of sex and sexuality which can be considered an analog of the delinquent and criminal justice:

"We must not make the mistake of thinking that sex is an autonomous agency which secondarily produces manifold effects of sexuality over the entire length of its surface of contact with power. On the contrary, sex is the most speculative, most ideal, and most internal element in a deployment of sexuality organized by power in its grip on bodies and their materiality, their forces, energies, sensations, and pleasures."[82]

Thus, similarly to sex, delinquency is an illusion, an ascription necessary for the continued functioning and authority of institutions which operate upon, around and throughout the bodies they encode as such. The archetypical identifiable criminal, the delinquent, is the lynchpin in the perfectly functioning disciplinary institution that is prison, and no amount of increased recidivism or arrests can represent a failure for a system whose primary function is to produce and corral a category of its own creation.

Criminality and Race

In addition to legal status and sex, race is also a produced category which is integrated into modern disciplinary power and serves as a hinge for the production of disciplinary norms, categories and practices. As previously mentioned, Foucault does not thoroughly explore race as a dimension of disciplinary criminality (as least in *Discipline and Punish*), but returning to Guenther, one can see how the practices of Black slavery under colonial conditions were significant progenitors of the methods employed throughout carceral disciplinary systems today, as well as how race represents a unique

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[82] Michel Foucault, *The History of Sexuality*. (New York :Pantheon Books, 1978), 155.

dimension of power-knowledge which does not simply overlap with delinquency, but is intricately-integrated into its history and contemporary coding.

If we attempt to fill in some gaps left by Foucault in the carceral genealogy, we find that Guenther purports that the trajectory of (particularly American) penality "begins with the material conditions of slavery, is transposed into the prison system, and continues all the way to the squeaky-clean, fluorescent-lit control of today's supermax units."[83] Though on paper Emancipation represented the end of forced-labor, the inception of "black codes" and subsequently Jim Crow laws demonstrated that governments and institutions of the South would continue to rely on Black labor and subordination as integral to economic stability. Through the combination of continued systemic racism, and the 13th Amendment's loophole wherein slavery was forbade "*except as a punishment for crime whereof the party shall have been duly convicted*", the intersection of Blackness and criminality would serve as both the ideological and economic replacement of literal slave labor.[84]

In some aspects, American slavery may have more closely resembled the violence of sovereign punishment as opposed to that of a disciplinary institution. According to Guenther, "in contrast to the 'humane' torture of forced solitude in a penitentiary cell, black slaves in the South were subject to brutal physical and psychological domination. Some of these punishments involved exposing slaves' bodies to physical torment and

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[83] Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives,* (Minneapolis, University of Minnesota Press, 2003), 41.

[84] "13th Amendment." Legal Information Institute.Cornell University Law School. Accessed August 23, 2020. https://www.law.cornell.edu/constitution/amendmentxiii.

humiliation, literally flaying them alive."[85] While assuredly more openly visceral than

modern penal practices (though prisoners today are not always free from physical abuse,

torture and murder), these practices may still be further along in Foucault's carceral

genealogy than it seems. Though these forms of torture and abuse were often publicly

displayed, slavery as a wing of the carceral continuum was closer to the disciplinary side

of the history of punishment, for, as Guenther argues, despite (or perhaps because of)

their abhorrent and violent nature, "what the above forms of torture have in common is

that they were specifically developed to contain, control, and exploit [i.e. to discipline]

black slaves."[86] Thus, American slavery was an institution which sought a consistent

economy of power. Its ability to incorporate the brutality of spectacular public

punishment, and yet escape its discontinuous and inefficient character as an economy of

power is due the production of Black persons as "subhuman".[87]

     The modus operandi of American and western-colonial slavery was similar to the

modern power-knowledge dynamic which produces the delinquent type, only the

knowledge being encoded by slavery was that of a duality between "Blackness" and

"whiteness", categories which each function as the condition of the other and work to

produce "Blackness" as "subhuman".[88] This dynamic works to bolster the conduits of

power which favor white people by an asymmetric ascription of essential criminality in

Black people, conversely producing whites as archetypally human and thus normatively

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[85] Lisa Guenther, *Solitary Confinement*: *Social Death and its Afterlives,* 43.
[86] Ibid, 44-45.
[87] Ibid, 46.
[88] Such knowledge production may be even more deeply integrated into modern coding than that of delinquency and "born" criminals, and most likely predates the former, as can be read in the works on race from colonial and enlightenment thinkers.

"acriminal" or moral. As Guenther expounds, Black Americans post-slavery "found they were still not treated as citizens and full human persons; rather, they were stigmatized as criminals and exposed to a whole new set of justifications for the ongoing deprivation of their freedom."[89] This is doubtlessly due to the production of Black Americans as *other*, and as sub-human, and the intersection of this categorization with that of the inherent criminal, the delinquent. Guenther invokes Joy James from her work in *The New Abolitionists: (Neo) Slave Narratives and Contemporary Prison Writings*, to extrapolate how the intersection of these two distinct yet interwoven encodings produce the institutional and conceptual borders between "black" and "white" in ways which are always asymmetrical:

"[the] transposition of slavery into incarceration helps constitute the meaning of whiteness as well as blackness: The white civic body was strengthened by feeding off those designated as socially dead. The encoding of slavery or criminality onto blackness reflected a counterpart construction: the inscription of 'whiteness' and nonincarceration as freedom and civility, hence as property or existential wealth."[90]

James enables us to see that what is ultimately produced as the synthesis of these originally distinct categories is the reality of the dually produced individual, the "Black delinquent." Guenther finds a similar process outlined in Fanon's description of how the Black Algerian under French Colonial rule is produced as a racialized other, and specifically how their existence and possibility unfolds in a closed loop: "The Algerian under French colonial occupation is a 'born criminal,' a 'senseless killer' who is set off

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[89] Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives,* 40.
[90] Ibid, 48 (**quoted in** *The New Abolitionists: (Neo) Slave Narratives and Contemporary Prison Writings* (Albany, NY: SUNY Press, 2005), xxv.

by the slightest offenses; he breaks into homes and kills or assaults the owners before stealing their things, often preying on their fellow Algerians in a 'closed circle' of violence".[91] This "closed circle" can be compared to the feedback loop of a functioning disciplinary engine, in that there is no position from which to substantially reverse or disrupt it from within, as the following section will argue.

The "Failure" of the Prison System

That prisons themselves are periodically subject to criticism, protest, riots and legal change, in no way indicates that the systems themselves are not functioning entirely properly. Each interruption in the disciplinary system's flow represents a moment for its observation, analysis and optimization to improve. Any type of reform witnessed since modern penal institutions usurped spectacular public punishment can be regarded as "isomorphic, despite its 'idealism', with the disciplinary functioning of the prison - the element of utopian duplication."[92]

One of the ways in which the modern prison gained its footing was by emphasizing an ability to reform. Recidivism and the criminal element, both could ideally be snuffed out by a transformation of the criminal subject back into a law-abiding citizen; "The reforming jurists… saw punishment as a procedure for requalifying individuals as subject."[93] This represents the smallest scope of the idea of reform this paper will discuss. As demonstrated by the notion that delinquency, both as a concept and a type of character produced in a subject, is under no threat of removal by prisons or the carceral system, one

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[91] Ibid, 57 (**quoted in** Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963), 221-29.
[92] Foucault, *Discipline and Punish,* 271.
[93] Ibid, 130.

can call this version of reform 'inert'. The second scope of reform discussed in this paper is that which works upon the institution itself, either in specific institutions or throughout the whole of a carceral complex or state, typically the most common meaning of 'prison reform'. But as the above analysis of disciplinary power has shown, this too does not represent a substantial change *to* any aspect of carceral existence, but a change beckoned by its own mechanisms, a merely internal recalibration. In essence, the series of reforms from the inception of the penitentiary as the primary mode of punishment to mass incarceration today has been part of a "a great carceral continuum", a time-tested technique born from the engines of disciplinary rigor. Is this type of reform also 'inert'? What end does it fail to produce? What beckons a reform in the first place?

The answer to why a reform should occur is as simple as "something has gone wrong". From the perspective of the institutions themselves, both the production of someone as a delinquent (that which becomes the site of *personal reform),* and the gradual optimization of prison practices to be more cohesive with modern disciplinary functioning (that which takes the name *prison reform*) are anything but inert. Both types involve the partitioning and self-repair expected from a disciplinary model. Neither of them, however, have ever stopped the existential cruelty produced by prison itself. This is the way that both of these definitions of 'reform' can be justifiably called 'inert'. This paper is not taking a stance on the justification of punishment as a whole. But in terms of the very *concept* of punishment, must prison always be the answer? Surely it has become a powerful centrifuge for the parts necessary for a thriving disciplinary matrix, but prison itself seems to have little to do with justice in its current incarnation. In fact, the thriving

fusion of discipline and the penitentiary as the primary means of modern punishment is no coincidence. It is the very ability of disciplinary power to reify as true the objects of its own knowledge that grants "legitimacy" to prison as punishment. Prison "silently organizes a field of objectivity in which punishment will be able to function openly as treatment and the sentence be inscribed among the discourses of knowledge", thus, prison and the knowledge produced by it have co-evolved to bypass questions of their legitimacy.[94] Foucault writes:

"The penitentiary technique and the delinquent are in a sense twin brothers… They appeared together, the one extending from the other, as a technological ensemble that forms and fragments the object to which it applies its instruments. And it is this delinquency... from which justice averts its gaze."[95]

Escaping the Carceral Continuum

Prison today stands as legitimate because it produces the standards of legitimacy by which we appraise punishment. The logic is ubiquitously encoded: not merely that prison is the standard punishment, but that punishment itself *is* prison. And the "reforms" that have changed it have only increased its standing as such. "For a century and a half the prison had always been offered as its own remedy: the reactivation of the penitentiary techniques as the only means of overcoming their perpetual failure; the realization of the corrective project as the only method of overcoming the impossibility of implementing it."[96] The criticisms presented in the first chapter of this thesis warrant a new appraisal of prison from the perspective of a need to work towards justice. Such an appraisal would

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[94] Ibid, 256.
[95] Ibid, 255.
[96] Ibid, 268.

likely warrant what I am calling a third type of reform, or perhaps more appropriately a *transform-ation:* change that is not instituted by the mechanisms internal to prison, but that affects the carceral continuum (previously alluded to by Foucault) as a whole. This transformation could be described as non-diegetic to the carceral continuum, in contrast to mere reform's inability to escape the carceral diegesis. While the teleology of prison as a self-correcting apparatus stands in need of further criticism, one could still ask: is the ideal of a more holistic *transformation* able to escape the mechanisms of discipline that already enact "reform"? Would a transformation, a kind of *meta-reform,* end up being inert as well? A transformation must account for the trajectory of power and subsequent knowledge production that must shift. It is here that the critical dimensions of Chapter 1 of this thesis can provide an axis, fulcrum, or *hinge* for real change: a trajectory of justice free from the forced production of disciplinary systems must leave open the circuits by which an agent plays a role in defining the parameters of their existence. The incarcerated must be able to grapple with their actions and with the ways in which their horizons of possibility are formed by their interactions with the world and others; doing so would not only allow for a sincere acknowledgment of their enmeshment with others and with past wrong-doings, but could work to interrupt the circuits of power-knowledge which to this day produce criminality as inherent in people and the world.

    According to Foucault's description of power, it is not something one has, such as a capability, but a physics. It is akin to nature in its immanence and inevitability, a flow of possibility and constraint between people and their world. But like nature, this flow of power relations affects us all differently, and can be exploited to different extents as well.

According to Foucault, the prison and its hinging upon the 'delinquent' type, "represents a diversion of illegality for the illicit circuits of profit and power of the dominant class."[97] In response to the unjust distribution of possibility amongst persons in the current penal paradigm, a transformation would work to interrupt the state of these 'circuits' of power, or at the very least enact a distribution of them that maintains an appropriate stake for the punished person in defining their existence. The feedback loop of the carceral continuum must have openings for change *by* the people it acts upon and produces as delinquents. They must have a stake in their own knowledge-production, in the unfolding of their existence and the parameters of their world, and as to the carceral, in the workings of justice. The third chapter of this thesis will draw on Hannah Arendt to elucidate the authentic conditions necessary for a true justice which is both personal and interpersonal, or to put this more in Arendt's terms, which depends on disclosing both singularity and plurality. It will work to diagnose in greater detail why the carceral continuum is antithetical to *actual freedom*, to humans enmeshed in a world that they play a part in defining, and will discuss the prospect of punishment which can avoid the amputation of possibilities necessary for a full human existence.

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[97] Ibid, 280.

CHAPTER THREE

The aim of this chapter is to develop a concept of political existence which is fully integrated with a relational ontology, such as the nexus of relations framework described in Chapter 1. The development of such will be primarily drawn from Hannah Arendt's *The Human Condition*, as I find her framework for understanding individuals and their relations to their world and freedom particularly illustrative of how traditional notions of individual freedom fail to obtain in the way that relational models do. Her outlook on *action* and freedom is also capable of averting many of the costs and harms of disciplinary mechanisms described by Foucault in *Discipline and Punish* that directly and indirectly amputate the possibility of those at their mercy, such as those whose testimony can be read in Guenther's *Solitary Confinement*. Before undertaking such an analysis, it is necessary to familiarize oneself with the main threads of Arendt's work in *The Human Condition*: the three fundamental human activities, Labor, Work, and Action. Though Action will certainly be the focus of this chapter, an understanding of its counterparts is necessary to grasp its function and significance in Arendt's framework.

<u>Labor and Work</u>

Labor comprises all activities that make up our sheer biological existence. As Arendt states, "spontaneous growth, metabolism, and eventual decay are bound to the

vital necessities produced and fed into the life process by labor".[98] Labor represents the

activity farthest from the political existence represented by action, but the latter is still

necessarily enmeshed in an existence of labor, a living and dying world.[99] It is important

to note that for Arendt, however, concepts such as "growth and "decay, "birth" and

"death", do not find their meaning outside of human relevance and that they "are not

simple natural occurrences, but are related to a world into which single individuals,

unique, unexchangeable, and unrepeatable entities, appear and from which they

depart."[100] Arendt states that the condition of labor is "life itself"; as such, we share many

of these activities with other life-forms, and most of the activities of labor are not

exclusive to humans.[101]

Work comprises the uniquely human activities, such as constructing tools, homes,

and works of art. These activities represent the initial straying of humans from what is

typically described as *nature*, and furthers instead, the creation of the *artificial*. As

detailed by Arendt, work's aim is to "bestow a measure of permanence and durability

upon the futility of mortal life and the fleeting character of human time".[102] Work

represents an attempt to escape the *cycle* of labor's "changeless, deathless repetition" and

establish an *objective human world,* which is necessary to even discern objectivity in

nature: "without a world between men and nature, there is eternal movement, but no

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[98] Hannah Arendt, *The Human Condition*, (Chicago, The University of Chicago Press, 1958), 7.
[99] The corporeality of action may take some additional work to argue for as Arendt herself states that action "goes on directly between men without the intermediary of things or matter", but such a description does not negate the compatibility of her framework with the one developed in this thesis. Ibid, 7.
[100] Ibid, 96-97.
[101] Ibid, 7.
[102] Ibid, 8.

objectivity."[103] For Arendt, action of course represents an even higher level of uniquely human existence, but it may be harder to argue that action is reconciling a specific flaw of work, in the way that work attempts to reconcile the futility and endless repetition of labor. Before discussing Arendt's notion of action, this section will attempt to make clear that there *is* a notion of work in *The Human Condition* that represents a similar futility as the one found in labor that work intends to account for. Instead of a biological futility, however, work fosters the danger of a "political" one.

Arendt states the condition of work is "worldliness".[104] This world-building represents a way to hold off the inevitability of falling back into the non-appearing cycle of nature and our impending non-existence as unique persons. The *permanence* created by the world that work creates is due to its constitution as a uniquely human permanence, as opposed to the eternal cycles of nature. More accurately, the objects produced by work are not things of permanence but of durability, which although they are not infinite, still "have the function of stabilizing human life" and provide safe-holds against the inhuman homogeneity of sheer labor.[105] Guenther, in her work *The Gift of the Other,* interprets the human aversion to the infinite repetition of labor as based in a perception of a threatening cycle: "it unravels the edges or limits that give meaning to the human condition, threatening a lapse into ahistorical, animal existence."[106] For Arendt, the dread that befalls a person when they consider their place among apparently infinite natural cycles is due to the lacuna between their vastness and the comparably miniscule breadth of their

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[103] Ibid, 96, 137.
[104] Ibid, 7.
[105] Ibid, 137.
[106] Lisa Guenther, *The Gift of the Other: Levinas and the Politics of Reproduction.* (New York, SUNY Press, 2006), 55.

own life. However, this dread is a critical motivating factor for the inception of work and the human world in a seemingly futile natural existence. Nature's "very infinity is constantly challenged and interrupted by the inconvenient fact that private individuals do not live forever and have no infinite time before them."[107] Such a conception, in which the finite usurps the infinite as significant and meaningful, is best understood as a flight from both futility and homogeneity. Thus, enmeshed in a feeling of smallness is a feeling of *sameness* when we perceive the seemingly endless cycle of labor. While work fends off this homogeneity by establishing an objective world that is distinct from nature, there is still a uniqueness which cannot be disclosed by the artificial world alone.

Action, which is the most noble human activity according to Arendt, is born from our *plurality.* So the drive to escape futility must simultaneously be a desire to appear distinct from both nature and *each other*. Specifically, for Arendt, appearing distinct (that is, in one's uniqueness) is the same as appearing at all. Although work is an activity exclusive to humans, it lacks the capacity to disclose one's uniqueness. While they are both human activities, work and action are often diametrically opposed in terms of which aspects of futility and meaninglessness they are trying to overcome. To better understand these tensions, it is necessary to explore which aspects of existence the activity of action is attempting to account for.

<div align="center">**Action and the Web of Human Relations**</div>

Action comprises acts which forge the space of the political and human possibility. The condition for action is "plurality", which comprises both our equality

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[107] Arendt, *The Human Condition*, 116.

(our commonality as humans) and our distinctness (our unique identities).[108] Arendt argues that such activities, whatever form they may take, are only possible *because* all humans are different from each other, and such activities would be entirely superfluous if our behaviors were as quantifiable, predictable and repeatable as other aspects of nature.[109] Arendt argues that action "has the closest connection with the human condition of natality", since a birth can only be considered a "new beginning" if the newcomer has the capacity to act, to initiate, and thus, to exist politically.[110] To act, for Arendt, is to disclose oneself, though this is not a solitary cry or confession. The action which discloses the agent is not exhausted by the agent's own conception of themself or their political identity, but *requires* the existence and action of others. Action is grounded in plurality, thus to disclose oneself is to initiate a feedback with others, in which one *will be disclosed* not from within oneself but from *without,* in the act of disclosing to and between others. "In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world", however this 'who' "which appears so clearly and unmistakably to others, remains hidden from the person himself".[111] Arendt argues that this process, the interplay between people acting and speaking together which results in their disclosure as unique beings, constitutes the political and forges our distinctly human reality, which she calls "the web of human relations."[112]

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[108] Ibid, 7.
[109] Ibid, 8.
[110] Ibid, 9.
[111] Ibid, 179.
[112] Ibid, 183.

The nexus of relations framework developed in Chapter 1 of this thesis posited that *agency*, the participation in determining the parameters of one's existence, was crucial to a meaningful life. It would not be a stretch to liken Chapter 1's notion of agency with Arendt's 'action' as both involve a participation in a feedback with others that continually forges our ontology as interconnected worldly beings. Another connection between these two concepts, is that both agency and Arendt's action demonstrate a straying from typical enlightenment notions of a staunchly individualistic, and *free*, self: "Nowhere… does man appear to be less free than in those capacities whose very essence is freedom and in that realm which owes its existence to nobody and nothing but man."[113] This passage represents a subversion of the traditional notions of individual freedom, the initial use of 'free' invoking the enlightenment image of freedom as a frontier of individual conquest. The 'less free' in this passage indicates not a negation, but the presence of connection and plurality. Arendt is ultimately arguing here that an authentic conception of freedom is interrelational, as history is forged by a continued reciprocal constitution and remembrance/imitation of words and deeds (action), and materially sustained by the lesser activity of work, "because remembrance and the gift of recollection, from which all desire for imperishability springs, need tangible things to remind them, lest they perish themselves".[114] Illustrated thusly, work appears to be the material foundation for the immaterial activity of action in a way

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[113] Ibid, 234.
[114] Ibid, 170.

analogous to labor's role as the biological foundation for the anthropic activity of work and world-building.

That the wording of 'the web of human relations' strongly resembles the 'nexus of relations' framework is no coincidence. Though Arendt's focus is largely on the constitution of the political, and Guenther's concern is with the existential, both grapple with relationality and appearance. The similarities between the web of human relations and the nexus of relations framework signal one of the goals of this chapter, and a main argument of this thesis as a whole, which is to establish that one's singular positioning along an inter-relational nexus is always in a state of simultaneous political and ontological flux. To say Arendt's web of human relations and the nexus or relations framework denote the exact same things is to erode the unique conceptual and historical backgrounds of each term; nonetheless, the claim of this thesis is that their strong resonance with each other is due to the necessary connections between the political and the ontological.

Stories and the Frailties of Action

For Arendt, the web of human relations is the sum *product* of our individual words and deeds, our *actions*, which allow humanity to "produce stories and become historical, which together form the very source from which meaningfulness springs into and illuminates human existence."[115] This historicization inevitably manifests in the physical, tangible world as "documents, monuments… in use objects or art works", but Arendt stresses that the stories forged by continued action are "of an altogether different

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[115] Ibid, 324.

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nature than these reifications".[116] The difference lies in the fact that any particular

reification has an author or fabricator, whereas *true stories*, the ones produced by action,

have "no visible or invisible maker because [they are] not made."[117] In this vein, our

history, even our own personal history, is not our creation alone, but the product of our

participation with others in the web of relations. The disclosure of oneself spurred by

action continues the "flux of acting and speaking" and its revelation of us as unique

human beings in a shared world: necessarily and simultaneously distinct and

interconnected.[118]

Arendt explains that the distinction between stories which are the result of action,

and those which are the products of work is "precisely that the latter [were] 'made up'

and the former not made at all.[119] Though these stories lack any author, their significance

lies in the *hero* they disclose, the one whose action unfolded the story. These stories may

of course find their way into reifications which "glorify a deed or an accomplishment

and, by transformation and condensation, show some extraordinary event in its full

significance.", however Arendt reminds us that the *who* which is the subject of a story, is

so "indissolubly tied to the living flux of acting and speaking that it can be represented

and 'reified' only through a kind of repetition, the imitation or mimesis."[120] This reveals

that, even when translated to a written medium, the significance of the actors in question

must be their unique identities revealed by their interaction, and not simply an

overarching plot or list of events, and that these identities are not collections of fact but

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[116] Ibid, 184.
[117] Ibid, 186.
[118] Ibid, 187.
[119] Ibid, 186.
[120] Ibid, 187.

are ephemeral disclosures which only manifest during the process of imitation and any

words and deeds the previous action (or its imitation) may itself spur. That which could

be captured as mere information, such as a character trait, could not be considered part of

the *who* disclosed through action or subsequent imitation of that action; "his biography,

in other words; everything else we know of him, including the work he may have

produced and left behind, tells us only what he is or was."[121] To this end, Arendt's notion

of 'history' is not a mere timeline but the collective remembrance of those disclosed by

their words and deeds. The continued process of action, remembrance, imitation and

further action is what ultimately gives action its endurance. Though the disclosure it

brings may seem much more fleeting or momentary than that of labor or the sturdy

products of work, its endurance, according to Arendt, is limitless: "the process of a single

deed can quite literally endure throughout time until mankind itself has come to an

end."[122]

  This fecundity of words and deeds does bring a hefty burden, however, which

Arendt explains is due to the ultimate ignorance we have of an act's consequences

(*unpredictability)*, as well as the fact that once performed, an act cannot be undone and

the extent of its unstoppable proliferation to spur other acts indefinitely (*irreversibility).*

Unpredictability denotes the inability of the one acting to know or see what or who is

disclosed by the action, for the story of the act is known "only to the storyteller, that is, to

the backward glance of the historian, who indeed always knows better what it was all

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[121] Ibid, 186. Arendt's distinction between the 'what' and the 'who' is influenced by Heidegger. Martin Heidegger, *Being and Time*, Part IV, trans. J. Macquarrie and E. Robinson (Oxford: Blackwell, 1962), 149-168; and *The Basic Problems of Phenomenology*, 12.9(c), trans. A. Hofstadter (Bloomington: Indiana University Press, 1982), 120.
[122] Ibid, 233.

about than the participants," and irreversibility is just that, our inability to undo either the act itself or what results from action.[123] Though Arendt admits these potentialities seem "reason enough to turn away with despair from the realm of human affairs and to hold in contempt the human capacity for freedom", she goes on to elucidate the means of mitigating these frailties, means inherent in the action process itself. These are the acts of *promising and forgiving.*

The goal of a promise, according to Arendt, is to attempt to reconcile "the basic unreliability of men who never can guarantee today who they will be tomorrow" and "the impossibility of foretelling the consequences of an act within a community of equals where everybody has the same capacity to act."[124] Unlike the close-ended security instilled by laws, promises are conduits of possibility which, because they and their consequences are not set-in-stone, allow an organic and open-future. Promises "leave the unpredictability of human affairs and the unreliability of men as they are, using them merely as the medium, as it were, into which certain islands of predictability are thrown and in which certain guideposts of reliability are erected."[125] In the purest conception of action, it is a continual flow of mutual disclosure; promises can be thought to interrupt this flow, to stretch the temporality of an act into the future and offer respite from the tumult of action's continuous natality. Promises, in this regard, acknowledge and offset the anxiety of unknown and irreversible futures, while still guaranteeing an open future

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[123] Ibid, 192.
[124] Ibid, 244.
[125] Ibid.

for continued action, providing it endurance without tearing its unfolding out of the hands of people and their decisions.

Forgiveness, attempting to reconcile action's irreversibility, similarly does not attempt to abolish the freedom of the action process, but is itself a type of act. An act of forgiving does not reverse or fix the inexhaustibility of an act (as would be true in the case of "vengeance" according to Arendt) but rather initiates an unexpected and unique horizon which still yields the disclosure of a *who.* Specifically, this is because unlike revenge or punishment, "forgiving and the relationship it establishes is always an eminently personal (though not necessarily individual or private) affair in which what was done is forgiven for the sake of who did it," granting it a uniquely revelatory element distinct from the goal of work or labor. Similar to promises, forgiveness ensures the endurance of action by preventing it from collapsing in on itself.

As Arendt suggests, the boundlessness of action, along with the aforementioned frailties of unpredictability and irreversibility, can produce an anxiety in accepting a world in which our freedom is political in the sense of depending on our interconnectedness. Certainly from the perspective of the enlightenment framework of personal freedom as akin to sovereignty, the scale and apparent lack of control one has over the consequences of their political participation, in Arendt's description, may convince one to "hold in contempt the human capacity for freedom, which, by producing the web of human relationships, seems to entangle its producer to such an extent that he appears much more the victim and the sufferer than the author and doer of what he has

done."[126] This fear of an act's indeterminate consequences is of a similar type to the dread that motivates work to usurp the futility of nature with its artificial world. However, this anxiety, according to Arendt, is born from an erroneous equivocation of freedom with sovereignty. The latter is a fictitious concept, because "sovereignty, the ideal of uncompromising self-sufficiency and mastership, is contradictory to the very condition of plurality."[127] Under Arendt's framework, not only does our individual identity require the presence of others, we are not even the author of whoever we are ultimately identified as. The "final" or perhaps continually finalizing product of our self-disclosure is itself a consequence of action, and is thus continually unfolding from before we were born, throughout our lives and potentially long after they have ended. Traditional notions of sovereignty simply do not describe the reality of people understood as a plurality of agents. Of course, without understanding this error, many have attempted, and many continue to attempt, to reconcile the seeming futility identified in the indeterminacy of action by employing techniques known for bulwarking humanity against the neighboring futility of labor: the techniques which comprise the activity of *work.* Before discussing how work can be wrongfully employed as a political tool, it is important to grasp the completely legitimate role it plays in providing a space for the true political freedom of action.

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[126] Ibid, 233-234.

[127] Ibid, 234.

The Public and Private Realms

According to Arendt, one of the main ways in which the activity of work provides a foundation for action to flourish, is by creating a division between two spheres of human activities: "between a private and a public sphere of life… [between] the household and the political realms, which have existed as distinct, separate entities at least since the rise of the ancient city-state".[128] In this context, "the household", or the realm of the *private,* is where activities "related to the maintenance of life" (labor) are performed, whereas the *public* is the realm in which we perform "activities related to a common world" (action).[129] Work's role is to distinguish these realms as it both attempts to stave off the incessant necessity of labor, as well as provide spaces for action and reify words and deeds into tangible recollections to enkindle future action. The importance of work must be understood in the context of it bordering, often very closely, the other two activities. In fact, the ordering of activities is just as much a hierarchy of significance as it is a sequence of conceptual distinctions. That each activity's functional limits obtain is entirely contingent on the historical form they take, and the danger of those limits breaking is, for Arendt, the potential for the focus of human relations to shift to activities lesser than action: work and potentially labor.

Arendt finds throughout history, a tendency for the divisions between private and public, for the distinct roles of labor, work, and action, to shift and sometimes collapse. This is due to dangers inherent in both labor and action, and the too common utilization of work as a means to reconcile these dangers. As the hierarchy of activities indicates,

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[128] Ibid, 28.
[129] Ibid.

however, work's reconciliatory ability should be centered on allowing humans to escape the futility of sheer labor. This does not render work's relationship to action as entirely subservient. There is of course the role of work for providing spaces, physical (and legal, as will be discussed shortly) divisions between private and public, so as to allow people to act politically and meaningfully. As also previously stated, work *records* and *reifies* the words and deeds of action. This in itself, *is not action*, but is necessary to maintain the public space for action, even if more in terms of the idea and practice of action than its physical locations.

The ancient Greeks, for Arendt, are the paradigmatic example of a well-established divide between private and public. She locates in their culture the thought that "the human capacity for political organization is not only different from but stands in direct opposition to that natural association whose center is the home (oikia) and the family."[130] The home or household, was the realm in which one took care of labor's demands: eating, sleep, child-rearing and any other form of bodily maintenance. It was the realm of "necessity", while the polis was the realm of "freedom", and ultimately for a Greek citizen, the "mastering of the necessities of life in the household was the condition for freedom of the polis."[131] This is not to say that the household was without a certain order to it. On the contrary, for the Greeks, the household was the sole location of *rule* at all. The polis "knew only 'equals', whereas the household was the center of the strictest inequality."[132] To this end, the household was also bereft of freedom, even for its

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[130] Ibid, 24.
[131] Ibid, 30-31.
[132] Ibid, 32.

patriarch, as the Greek notion of freedom precluded being ruled as well as ruling others. For the Greeks, to be free "meant to be free from the inequality present in rulership and to move in a sphere where neither rule nor being ruled existed."[133] This "sphere" is of course known as the public, and ideally it is the realm in which action is the primary activity performed.

Arendt diagnoses a trend only getting stronger in modernity, however, of this divide collapsing: that is, the priorities of the private sphere overshadowing and often overtaking entirely those of the public sphere. Specifically, this means that there is no distinct divide, and that the ubiquity of common, generally labor-oriented, interests blocks space for any action to be undertaken. Arendt labels this occurrence, when survival and activities related solely to biological maintenance and continuity occupy the public sphere and concern: *the social*. The social, or society, "on all its levels, excludes the possibility of action, which formerly was excluded from the household."[134] Though it should be clear by Arendt's description of the public that labor is certainly excluded from its domain, it is less immediately clear what work's relation is to the political, besides of course erecting the physical and legal borders that maintain the appropriate spaces for performing either activity. Between the Greek champions of the public and the political, and the modern social slave to necessity, there have been myriad attempts to systematize politics, in lieu of establishing a free sphere for action. Generally, these attempts take the form of allowing the written word, *laws*, to govern the correct behavior and concerns of the people who follow them.

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[133] Ibid, 33.
[134] Ibid, 40.

Disclosure vs. Production

According to Arendt, initially the Greeks correctly excluded law-making from activities which would be considered political: "the lawmaker was like the builder of the city wall, someone who had to do and finish his work before political activity could begin."[135] Arendt charges the Socratic School with making the first attempts to standardize politics, substituting the meaning-bearing unpredictability of action with the reliability of a vote. Since, "the result of their action is a tangible product, and its process has a clearly recognizable end," one could reasonably assume the motivation for such a change was an aversion to action's frailties.[136] One could argue that the mitigation of unpredictable harm is a noble cause, but unless this mitigation leaves open the frontier of future action, any security provided, such as that born from the disciplinary systems described in *Discipline and Punish,* can only safeguard our existence in as far as it prevents the unfolding of a meaningful one.

A disciplinary system represents an antithesis to the free space of political action envisioned by Arendt. In large part, this is due to discipline's inherent mandate to homogenize. Even when objects under a disciplinary regime are parsed and categorized into different pools, specific differences will always be intelligible via a common disciplinary codex. Recall that the condition of action, according to Arendt, is *plurality*, which is constituted by both our commonality as humans and our distinct identities as people in the web of human relations. Contrarily, the relations established by a disciplinary system are more firmly established in a hierarchy of rank, capability and

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[135] Ibid, 194-195.
[136] Ibid, 195.

purpose. Such a structure exposes two key incompatibilities between the political horizon of action and the systematic rigor of discipline. One is that a disciplinary model will always strive to eradicate unpredictability, which for Action is both a frailty and a font of strength. The aim of disciplinary power-knowledge, which is more accurately a mode of "production" as opposed to creation, is not for the sake of knowledge itself but for utility. In *Discipline and Punish*, Foucault describes disciplines as "methods, which made possible the meticulous control of the operations of the body, which assure the constant subjection of its forces and imposed upon them a relation of docility-utility."[137] The purpose of this docility-utility (when not being used as a "diversion of illegality for the illicit circuits of profit and power of the dominant class") is to maintain the continuity of the disciplinary system which yields it.[138] This circularity, while itself a type of infinite process, elucidates another distinction of discipline from the ever-unfolding reach and inexhaustible strength of the action process: the disciplinary aim of fully demarcating the pathways of possibility between us and the world. Whereas action requires these open-ended spaces or voids of as yet undisclosed possibility, a disciplinary system will attempt to *devoid* this space-time. This may seem to be a form of connection, to fully interlock everyone and everything in the world by removing the space between us, but as will be made clear later in this thesis, this is a relationality abstracted from its political (and thus meaningful) dimension. Without the blank canvas of possibility between us, our

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[137] Michel Foucault, *Discipline And Punish: The Birth of the Prison*. (New York :Pantheon Books, 1977), 137.
[138] Ibid, 280.

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"actions" can only be called *reactions,* the consequences of a system of predictability with no need or room for human initiative.

Foucault's charge that a disciplinary system "assures an infinitesimal distribution of the power relations" highlights the process as almost a mockery of the action process described in *The Human Condition*. Not only does discipline represent a novel form of negative infinity in the "infinitesimal", but it too binds people together in a certain network of relations. Of course this network is not forged by the continual disclosure of people via their interaction with each other, but by the system for its own continuity. So while both disciplinary power and action generate knowledge, the ways in which they do have gravely different bearings on one's stake in both the authorship of that knowledge as well as the world being produced (by disciplinary power) or disclosed (through action). Though both lack a concrete or singular author, the individual produced by disciplinary power is inscribed neither by the subjects themselves, nor their peers, but by normalizing practices and categories. For the subject/object of disciplinary techniques, one's "biography" is a causal matrix of how they have transitioned through various institutions (birth, hospitals, home-life, school, work, prison, etc.). The "story" produced is produced as fact or knowledge, the purported author being reality or nature itself. In Arendt's terms, such facts can disclose only what someone is, but not who. Disclosure through the action process shares this lacuna of a person from the authorship of their own story, but inherent in its process is the salient connection between a person and the disclosure of others' stories, and thus indirectly, their own. Discipline amputates disclosure by

predetermining relations that would otherwise be free to unfold uniquely amidst the plurality of others.

Recall the primary subject of this thesis, people who live within the paradigmatic disciplinary institution that is prison. In the previous chapter, as seen in *Discipline and Punish,* it was shown how their "biographies" were written "from the triple point of view of psychology, social position and upbringing."[139] A similar scientification of a person's life is mentioned by Arendt in *The Human Condition* as lacking a "revelatory character of action as well as the ability to produce stories and become historical, which together form the very source from which meaningfulness springs into and illuminates human existence."[140] This distinction highlights the different uses and import of the terms "story", "history" and most distinctly, "reality", between disciplinary processes and that of action. Both action and disciplinary power are capable of creating reality to some extent. For Foucault, discipline as embodied in the power relations of utility-docility "produce[s] domains of objects and rituals of truth", and power in general "produces reality."[141] As for Arendt and the action process, appearance, "something that is being seen and heard by others as well as by ourselves—constitutes reality."[142] Though both processes account for a form of reality-production/disclosure, only one requires a realm (the public) in which the inhabitants of this reality actively participate in its constitution: a place "into which things can appear out of the darkness of sheltered existence."[143] Life within a disciplinary institution more closely resembles 'the private realm', or perhaps

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[139] Ibid, 252.
[140] Arendt, The Human Condition, 324.
[141] Foucault, *Discipline and Punish,* 194.
[142] Arendt, 50.
[143] Ibid, 51.

more accurately 'the social', that realm in which "distinction and difference have become private matters" and the life process is championed as the highest human endeavor.[144][145] In the most general form of the action process, people appear in their distinctness via the coming together and intersecting of others in their distinctness. The "distinctness" produced by the discipline process is one of categorization in relation to norms and is imprinted onto those subjected to disciplinary power by the system itself: this involves "coercive individualization, by the termination of any relation that is not supervised by authority or arranged according to hierarchy."[146] Within the public realm, relations would be forged, reforged or severed organically by the people acting in the web of relations, as a plurality of equally unique human beings.

Action and the Carceral

At this point, it should be starkly clear what distinguishes the two processes of discipline and action. Discipline more closely resembles *labor and work* than it does action, its realm itself being, to appropriate Arendt's words, the social par excellence. This is because its ultimate aim is its own continuity (the Arendtian analog roughly being 'durability'). Additionally, as the discipline process unfolds, the knowledge it produces is aimed at homogenization, distinction only manifesting as the sub-activity of specification, which encodes under a hierarchical logic that applies the same set of

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[144] Ibid, 41.

[145] Another similarity of note between the effects of Arendt's *social* and Foucault's *discipline* is the way in which each have rendered 'the other' or 'the distinct' as negative or undesirable. Compare Foucault's description of the deglorification of distinction, ("This turning of real lives into writing is no longer a procedure of heroization; it functions as a procedure of objectification and subjection.") with Arendt's charge that 'the social' "made excellence anonymous". Foucault, 192. Arendt, 49.

[146] Foucault, 239.

categories and norms to all subject/objects. Action's reality is inexhaustible and unpredictable, diametrically opposed to the infinitesimally expanding and causally exhaustive knowledge produced by discipline. Finally, action is the means by which people *appear* in their uniqueness in a continual and open-ended forging of the web of human relations, whereas uniqueness and open-endedness are the bane of the disciplinary model.

If we view the arguments made in Chapter 1 of this thesis through the lens of Arendt's description of action as a process necessary to live a distinct and meaningful human existence, we can see that the concept of participation in the forming of the parameters of one's own existence is for all intents and purposes, identical to action itself, and thus *requires* a space shared with a plurality of others to authentically occur: the public in Arendt's distinctive sense. This space, which need not be a physical location outside the home or prison, requires open pathways that allow people to coconstitute reality through a mutual disclosure: "the polis, properly speaking, is not the city-state in its physical location, it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be."[147] In addition, Chapter 2 of this thesis is meant to cohere with Arendt's worry that work and the private have subsumed the public realm and usurped action's aims with those of material durability and biological continuity, and demonstrate that this worry has been realized most fully in the current carceral paradigm, discipline itself representing a dangerous replacement for action and the public. Put

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[147] Arendt, 198.

simply, prison-living is not a adequate public realm so long as the possibility itself, which is another word for mutual disclosure, is amputated Now this can be surmised simply by the fact that prisoners are isolated, but one response to this charge could be to suggest that prison life does contain a sort of mini-public within its walls; that *potentially*, there is a minimum political existence the incarcerated can eke out for themselves through their actions. In response to this, and to build on the issues already raised in Chapter 1, the "choices" made in prison are not those of agency, nor those of someone acting within a public. To choose one's clothing, food, toiletries or recreational items is nowhere close to the genus of distinction Arendt develops in *The Human Condition*, and this is primarily due to those choices' inability to distinguish and disclose oneself. Though Guenther describes these choices as beneficial to freedom, they alone do not constitute a public so long as these choices do not allow for a meaning-forming disclosure which is both ontological (revealing who one is) and political (constituted with a plurality of others). So long as changing the parameters of a prisoners existence are out of their own reach, the meanings they forge will not be a disclosure of a "who", but will be subsumed by the disciplinary machinery to describe only a "what".

One possible response to the claim that prisoners live undeserved unpolitical lives, that is, lives devoid of the possibility of meaning-making, is simply that such circumstances are in fact deserved. More accurately, that their situation is *still political*, it just represents the backend of a social contract they broke or defaulted on. To be incarcerated, under this view, could be considered an *affirmation* of their political existence: they are *indeed* a political subject. But this is an equivocation of the term

"political", whereas the more accurate term being used in this logic is "ruled", and for Arendt and the ancient Greeks, the public must be free of rule on either side. The political, for Arendt, is a reality constituted by appearance and co-appearance, moreover, it is an essential component of a meaningful human existence: "to be deprived of it means to be deprived of reality, which, humanly and politically speaking, is the same as appearance."[148] Carceral existence is assuredly not one of appearance, but one of political invisibility and homogeneity. The appearance required for action "as distinguished from mere bodily existence, rests on initiative, but it is an initiative from which no human being can refrain and still be human."[149] This sense of initiative, which can be conceptually linked to Arendt's natality, comprises the capacity for humans to begin and create a distinct human reality separate from the repetitive infinity of labor and the natural world (and the modern paradigm of automated work, a sort of 'post-labor'). Arendt's description that lacking such a capacity would render one inhuman is in direct contrast to Benjamin Rush and the reformers' conception of a solitary person possessing the kernel for self-mastery even when completely isolated: "No human life, not even the life of the hermit in nature's wilderness, is possible without a world which directly or indirectly testifies to the presence of other human beings."[150] As the descriptions of isolated existence from Guenther's *Solitary Confinement* reveal, many are driven to a state of unhingedness, where, if not their entire psyche, assuredly their ability to exist "humanly and politically" is taken from them.[151] As demonstrated by both Guenther and

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[148] Ibid, 199.
[149] Ibid, 176.
[150] Ibid, 22.
[151] Ibid, 199.

Arendt, this is because reality is constituted by our plural relations with others. Though

Arendt may not as overtly refer to this reality in the harder ontic sense that Guenther

does, a world of uniqueness and reciprocal co-appearance is certainly at risk in both of

their descriptions of apolitical (solitary for Guenther, private/social for Arendt) living.

The goal of this chapter has been to develop the notion that the "meaningful life"

which must be constituted by a life of action, is synonymous with a life that appears

distinct, which for Arendt means to appear at all. Further, this distinction requires others

and the ability to forge a web of human relations, and thus, must take place in what can

be called a "public". Prison is not a valid public in this sense, and the deprivation of the

disclosive space of the political that accompanies prison living is comparable to the

qualitative deprivation described in Chapter 1 of this thesis, the deprivation of agency

necessary to maintaining a hinged sense of self and world. Chapter 2 of this thesis

described carceral existence as a realm which precludes the ability of its inhabitants to

alter it in any substantial way, and ended with the imperative of finding ways to change

the carceral system from the outside. At the very least, a system of justice, even penality,

may not need to be so far divorced from action as it is now. Guenther, in the closing

chapters of *Solitary Confinement*, argues that justice itself is harmed by a system which

precludes an offender's ability and freedom to grapple with their own actions, "to explain

themselves to others, to repair damaged networks of mutual support, and to lend their

own singular perspective to the meaning of the world."[152] One can hope that when faced

with the unpredicted and irreversible consequences of their actions, that whether or not

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[152] Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives,* (Minneapolis, University of Minnesota Press, 2003), 251.

the incarcerated need or receive forgiveness, they can at least play an active and

disclosive role in the reparating of their deeds and misdeeds so as to forge new horizons

for the web of human relations, without fear that a single mistake should warrant a

permanent exile from this web. And if the presence of others is enough to spark an ember

of political existence, for those who have the small luxury of living at least in the

presence of others, their acts can only be called so if they can proliferate and spread: if

they are *unbounded*. And as far as humanity has come technologically, there is no reason

why literal walls between one and their peers need preclude the possibility of their

continual forging of their relations to each other and the world.

CONCLUSION

With each chapter of this thesis, I have attempted both to expand an understanding of prison-living as a particular kind of existential harm with a particular history, as well as to demonstrate that the harms associated with the carceral continuum reveal the necessary enmeshment of relationality, the ontological, temporality and the political. The significance of this enmeshment revealed by the history and practice of incarceration is not purely academic, for if we accept Oksala's charge, that "any ontological schema, any interpretation of reality, is an imposition, not a pure description of the given", then we must ask how these impositions unfold, what their normative implications are, and more importantly, who participates in the formation of truth and reality?[153] The "politicization of truth" does not warrant the abandonment of the concept of truth, just as the revelation of the self as a nexus of relations and not a trait-less kernel of sovereignty should not deflate anyone's sense that a genuine self exists.[154] Rather, we should ask how truth is constituted and by whom, just as we should ask which relations constitute the self. This framework should orient the reader toward the historical and social-situatedness of identity, reality and knowledge, leading us in the same direction Oksala found Foucault to be pointing: attempting to "reveal the exclusion, domination, and violent treatment of those at the losing end of the struggle for objectivity and

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[153] Johanna Oksala, *Foucault, Politics, and Violence,* (Northwestern University Press, 2012), 21.
[154] Ibid, 33.

truth."[155] Prison is a realm in which objectivity and truth are continually produced, systematically naturalized and weaponized against a population that plays next to no part in their formation.

Each chapter in some way explores the significance and intertwining of the practice of defining existential parameters (agency, knowledge-production, action) and deprivation of freely exploring these possibilities. That 'meaning-forming' is conceived of in two ways (one being the production of new concepts and terminology, the other being the creation of value and human significance) constitutes its significance as the keystone capacity for one to fully exist, or conversely to be perceived as real. These two senses of 'meaningful' are in fact interwoven; 'meaning' as value and significance is tied up in the 'meanings' of things as determined by their definitions, functions and conceptual boundaries, due to the relations between power and knowledge, and echoing the resonance between the ontological and political dimensions of life, as foregrounded in/exposed by the work of the three primary authors invoked in this thesis.

In Chapter 1, I drew from Guenther to help categorize the types of deprivations and harms faced by prisoners as a means to both draw attention to the prevalence and horror of their suffering, as well as reveal some ontological and political harms that may often be taken for granted. Specifically, my analysis of Guenther's work and the concept of the relational self are meant to demonstrate that the ontological and the political are *intimately conceptually linked*, and that there is a freedom of social interaction and

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[155] Ibid.

meaning-forming which makes life livable beyond the brute necessities of food/water/shelter emphasized by Rush and the reformers.

While the initial significance of Chapter 1 does hinge upon the relational-anatomy of the self revealed in Guenther's work, it would be a mistake to draw from this thesis the idea that relationality is, in itself, a strictly positive concept or necessarily desirable phenomenon. On the contrary, though Guenther's work, or more specifically her analysis of the harms and deprivations faced by carceral subjects, affirms the self as relational as opposed to individualized and atomistic, Chapter 2 demonstrates that prison-living is *still a form of relationality.* The harms elucidated in Guenther's work, of course, only exist *because* the self is continuously coconstituted by one's interactions with others and the world.

In regards to Chapter 2, Foucault's genealogy of prison and the emergence of disciplinary power further expound the relationship between meaning-forming's two senses: categorization via concepts and the unfolding of human values. Both are tied to the ontological capacity of power-relations and their simultaneous and necessary links to knowledge-production. Initially, the idea that the power-knowledge dynamic *defines reality* can seem to charge power as a tool of dystopia, especially when considering that the paradigmatic examples given in this thesis are largely dehumanizing disciplinary matrices such as mass incarceration. But as a complement to relationality's neutrality, power and conversely knowledge are equally neutral; power-knowledge is not intrinsically negative or oppressive in its unfolding. It is the particularity of the carceral continuum, and not the ontic truths of our relational existence which need be charged

with depriving people of their existential needs. Foucault's disciplinary framework for thinking about knowledge and reality, how they are formed and our relation to them and each other, should help us perceive the current state of carceral existence in a more authentic light, and hopefully conceive of alternative possibilities for how we enact justice, repentance and reparation.

Chapter 3 is meant to show a way forward in this endeavor. If relationality and power-knowledge are descriptive concepts, then they alone are insufficient to substantially define what is necessary for an affirmative concept of freedom. Arendt's *plurality*, however, bears a normative dimension, comprising a disclosive relationality which directly counters the dangers of a disciplinary dynamic of dehumanizing power and knowledge-production. This normativity is related to the particular sense of temporality bound up with plurality and the political. Plurality specifically requires the fostering of *the unique,* and thus warrants an upholding of an open future. Because uniqueness entails the disclosure of the novel, the distinct, the *undefined*, it evokes a sense of process, or unfolding. As mentioned, of course, both relationality and power-knowledge, since they unfold in time, are enmeshed with the temporal as much as plurality. But plurality's emphasis on uniqueness places a positive significance on the fact that the future is *unwritten*; or as it relates to others and the world, that certain connections, conceptions and possibilities *may or may not* be written. Relationality defines the spatio-temporal parameters of connections between people and their potential for being forged and severed, while power-knowledge comprises a continuous determining of reality through normalizing categories, only plurality bears a dimension

which, via its yearning for the disclosure of each person's invaluable significance, is continually oriented at disrupting the potential stagnancy or forced asymmetry of power-relations.

Through an emphasis on plurality, it may be possible to enact upon the carceral continuum the sort of meta-reform, or *transformation*, conceived of in Chapter 2 of this thesis. Unless the larger historical picture, the genealogy of incarceration and the reality of power-knowledge as an unfolding process is taken into account, the trick of institutional essentializing (meaning-forming which imbues people with criminality) will always manage to shift the blame to a local or confined iteration of the larger carceral landscape. This trick, to always point the finger at the iterative who or what (which prison, which type of person, which nation, which race…) instead of the history of a given situation, can only succeed because the conceptual borders of wrong-doing, criminality and punishment are continually defined by an unchanging power-relation; the punishers have a monopoly on the production of a criminal body which outnumbers them.

My conception of agency necessary to living a full human existence is constituted by if not a symmetric balance of meaning-forming (aka a stake in power-knowledge and parameter-defining) then at the very least a flexible and flowing asymmetry which, akin to the self-destructing asymmetry of childhood, is continually oriented toward the reintegration of its bearer with the others and the world they interact with so as to disclose themselves and that world. Of course, at the end of this picture, a particular counter still remains: can *even this agency be forfeit?* Is this kind of agency inalienable?

Is it sacrosanct? Makin any such a claim as to the inalienability of this agency reflects the same fixedness as saying crime is bad and law is good. Instead of essentializing even the things we want to maintain such as justice and freedom, we need to realize that the bounds of these terms are imposed by human practices, and are just as much produced by us as are the institutions which seek to uphold these values.

It is not because agency is sacrosanct that a large-scale transformation of the carceral continuum is necessary, it is because the capacity to shape the meaning of terms such as punishment, justice, even right and wrong have been systematically stripped from those produced as criminals before they had any chance to disclose themselves. The realities of these terms, the constitution of which prisoners have little to no bearing upon, are not disclosed so much as they are *enclosed*. So long as the amputation of people's capacity to actively meaning-form with their world and others continues, *'meaning' itself* and the possibility of justice are imprisoned.

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BIOGRAPHY

Turner Penton graduated from Virginia Commonwealth University with a Bachelor of Arts in Philosophy before working as a corrections officer at Deep Meadow Correctional Center. Upon resigning, he began working toward an MA at George Mason University, and has shifted his daytime career to teaching and childcare services.